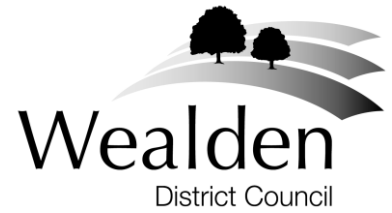


Trevor Scott
Chief Executive



My
Reference KM

Ask for Katie Maxwell, Senior Democratic Services
Officer, Tel: 01892 602720, Email:
democraticservices@wealden.gov.uk

Democratic Services
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX
Tel : 01892 602720

e-mail : DemocraticServices@wealden.gov.uk
website : www.wealden.gov.uk

Date 06 November 2024

To: Members of the PLANNING COMMITTEE NORTH:- M Everitt (Chair), G Owen-Williams (Deputy Chair), A Arthur, G Blake-Coggins, G Collins, M Gadd, J Howell, M Lunn, D Manvell, A Newton, G Shaw and A Wilson (Substitute Members: K Benton, B Cox, D French and B Reed)

Dear Councillor

Planning Committee North - Thursday 7 November 2024

Further to the agenda and papers for the above meeting, previously circulated, please find attached the following:

Officer Updates

Yours sincerely

Trevor Scott
Chief Executive

This page is intentionally left blank

Planning Committee North

Officer Update Report

7th November 2024

Agenda Annex

Agenda Item 6 - WD/2022/2785/MAO - LAND NORTH OF EASTBOURNE ROAD, UCKFIELD (Pages 11 - 100)

Recommendations:

The recommendation at the front of the officer's report is subject to no objection being received from Natural England to the HRA consultation.

Conditions:

Following discussion with the applicant and concerns regarding the restriction on occupation as imposed by Condition 19 and Southern Water's comment regarding potential timescales for network reinforcement, it is recommended that rather than a shorter timescale as currently shown under Condition 2 in the officer's report that the condition wording reverts to the standard timescales as shown below:

Amended Condition 2

- (a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and
- (b) the development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

For the avoidance of doubt there is no change to Condition 19.

Additional Third-Party Representations:

One further letter of objection (full details can be viewed on the Council's web site) raising issues relating to:

- Disconnection from Uckfield Town Centre located off fast road and lack of suitable pedestrian routes;
- Flood risk for adjoining sites (Fernley Park) with water run-off and potential for pollution downstream
- Biodiversity – impact of loss of habitat and wildlife
- Already significant development around Uckfield and no provision to improve infrastructure in town and provide additional services
- Impact on New Road
- Creation of urban sprawl.

No new material planning considerations raised.

Points of clarification:

Additional drawings for information:

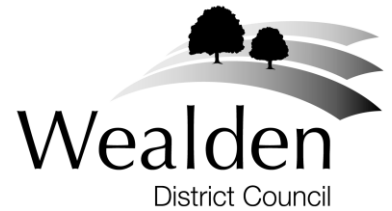
[illegible]

Agenda Item 7- WD/2024/2055/MAO - LAND AT COOKS CORNER FARM TO THE REAR OF AMBLESTONE, LONDON ROAD, CROWBOROUGH (Pages 101 - 132)

Six further public representations have been received. All six letters register objections to the development and one is an additional letter from a previous objector.

NOTE: The Council is now webcasting all its public meetings. This meeting will be broadcast live on the Council's website and the record archived for one year from the date of this meeting for future viewing

Trevor Scott
Chief Executive



My
Reference

KM

Ask for

Katie Maxwell, Senior Democratic Services Officer, Tel: 01892 602720, Email: democraticservices@wealden.gov.uk

Democratic Services
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX
Tel : 01892 602720

e-mail : democraticservices@wealden.gov.uk
website : www.wealden.gov.uk

Date

Wednesday, 30 October 2024

PLEASE NOTE – THAT ORDER OF BUSINESS MAY BE CHANGED BY THE CHAIRMAN ON THE MORNING OF THE MEETING TO ACCOMMODATE PUBLIC SPEAKING

TO: Members of the Planning Committee North:- Councillors M Everitt (Chair), G Owen-Williams (Deputy Chair), A Arthur, G Blake-Coggins, G Collins, M Gadd, J Howell, M Lunn, D Manvell, A Newton, G Shaw and A Wilson (I Tysh – ex-officio) (Substitutes: K Benton, B Cox, D French and B Reed).

Dear Councillor

PLANNING COMMITTEE NORTH - THURSDAY, 7TH NOVEMBER, 2024

Your attendance is requested at a meeting of the PLANNING COMMITTEE NORTH to be held in The Civic Community Hall, Vicarage Lane, HAILSHAM on **THURSDAY, 7TH NOVEMBER, 2024** at 10.00 a.m. The Agenda for the meeting is set out below:

AGENDA

1 - CHAIRMAN'S INTRODUCTION

2 - APOLOGIES

Apologies for absence as reported at the meeting.

3 - DECLARATION OF SUBSTITUTE MEMBERS

The Chairman to ask if any Member present is substituting for another Member and, if so, to declare his/her name as substitute Member and the name of the absent Member.

4 - DECLARATIONS OF INTEREST

To receive Declarations of Interests in respect of items on the Agenda, as required by the Members' Code of Conduct.

5 - MINUTES (Pages 5 - 10)

To resolve that the Minutes of the last meeting as circulated on the Agenda be confirmed as a correct record and signed by the Chairman.

REPORTS (applications subject to public speaking)

6 - WD/2022/2785/MAO - LAND NORTH OF EASTBOURNE ROAD, UCKFIELD
(Pages 11 - 100)

7 - WD/2024/2055/MAO - LAND AT COOKS CORNER FARM TO THE REAR OF
AMBLESTONE, LONDON ROAD, CROWBOROUGH (Pages 101 - 132)

8 - WD/2024/1895/MAJ - BEWL WATER, BEWLBRIDGE LANE, COUSLEY
WOOD, WADHURST, TN3 8JH (Pages 133 - 150)

9 - WD/2024/1691/FR - 5 SUSSEX VIEW, FRANT, TN3 9EZ (Pages 151 - 162)

10 - WD/2024/0459/F - BOPEEP, ETCHINGWOOD LANE, FRAMFIELD, TN22
5QH (Pages 163 - 172)

MATTERS FOR INFORMATION

11 - Delegated Tree Matters (Pages 173 - 174)

12 - Delegated Approvals (Pages 175 - 186)

13 - Delegated Refusals (Pages 187 - 188)

14 - Withdrawn List (Pages 189 - 190)

15 - Appeals in Progress and Decided (Pages 191 - 198)

16 - Enforcement Matters for Information (Pages 199 - 214)

17 - URGENT BUSINESS

To consider any other items which the Chairman decides are urgent for reasons given.

18 - ANY OTHER BUSINESS

19 - CONSIDERATION OF EXEMPT INFORMATION AND EXCLUSION OF THE
PUBLIC

To give consideration under the Local Government Act 1972, Section 100 (A) (4) to the public being excluded from the meeting for the following item(s) of business (if any) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

20 - DATE OF NEXT MEETING

The next meeting of the Committee will be held on Thursday, 5 December 2024 at 10.00 a.m. in Hailsham.

TREVOR SCOTT
Chief Executive

For: Planning Committee North
Date: 7 November 2024

**WD/2022/2785/MAO - LAND NORTH OF EASTBOURNE ROAD,
 UCKFIELD**

Summary of Proposal

Major Application - Outline application for:-

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 145 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS), VEHICULAR ACCESS POINT AND PROVISION FOR SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANG). ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS.

Received date: 26 October 2022
8/13 week date: 14 November 2024

Parish: Framfield
Ward: Framfield & Cross-in-Hand
Grid Ref: 548675 119562

Link to website:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828>
<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=661>

Recommendation

Outline planning permission BE GRANTED, subject to the conditions below and subject to completion within a timely manner of a Section 106 Agreement to secure:

A.

Housing

- 35% affordable housing provision; and
- 5% serviced plots for custom and self-build units.

Financial Contributions

- Travel Plan auditing fee of £4500 for period of five years of annual site monitoring;
- £500 registration fee and £7,500 for monitoring and approvals under S106 agreement;
- Financial contribution towards the Council's Strategic Access Management and Monitoring Strategy for the Ashdown Forest SPA (SAMMS);
- Financial contribution towards any residual off-site youth and adult recreation space requirements that cannot be accommodated on-site;
- Public transport service contribution of £1350 per dwelling to supplement the existing bus services;
- School transport contribution at cost of £703 per pupil falling within the eligible distance for school transport from the 1st occupation to 1 full academic year from full occupation; and
- Signal optimisation system for town centre junctions (SCOOT or MOVA) at cost of £100k + annual maintenance cost over 20-year period (10% of value of installed equipment).

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

Travel Plan

- Travel Plan to include significant measures to encourage the take up of bus use, including 6 months free travel for new residents followed by a further 6 months of discounted travel; car club with 1st car available at opening and 2nd car on completion. Residents' information pack.

Provision of SANGS

- Provision of Suitable Alternative Natural Green Space provided as an alternative recreational space to the Ashdown Forest including but not limited to car parking and access, footpaths, new planting and signage to be provided as part of the development.

Off-site Highway Works:

- Access points and related off-site highway works – highway footway improvements and verge retention works, crossing points with refuges, new junction and right-turn facility, lighting scheme; and
- Provision of three new bus stops to be located within 400m of the proposed development access points, furnished appropriately with shelters, seating and real time information, bus cages, kerbing and hardstanding (2no. South Bound; 1no North Bound including scheme for shelter maintenance).

OR

- B.** Planning permission BE REFUSED if the Section 106 Agreement (required under recommendation A) is not completed within a reasonable timescale for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they could secure the proper provision and delivery of the necessary infrastructure improvements to meet the additional demands generated by the proposed development and to ensure there would be no adverse impacts on highways, Ashdown Forest SPA and provision of affordable housing. Therefore, the proposal is considered contrary to saved Policies CS1 and TR3 of the adopted Wealden Local Plan 1998, Policies WCS7, WCS12 and WCS14 of the Core Strategy Local Plan and Policy AFH1 of the Affordable Housing Delivery Local Plan.

NOTE: The applicant should contact the case officer as soon as possible to discuss timescales for completion of the necessary Section 106 Agreement and to discuss whether any extended time is agreed.

Conditions

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, scale and appearance of the buildings to which this permission relates, and the landscaping of the site before

For: Planning Committee North
Date: 7 November 2024

any development is commenced, such matters being reserved from the permission. STD1A

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

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

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

TO BE COMPLETED POST COMMITTEE

REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

4. The development hereby permitted shall be carried out in general accordance with plan the Development Framework Plan Dwg 10841-FPCR-XX-ZZ-DR-L-0002 P17 date stamped 15 January 2024.

REASON: To enable the Local Planning Authority to regulate and control the development of land having regard to Policies WCS12, WCS13 and WCS14 of the Wealden Core Strategy 2013 and Saved Policies EN13 and EN27 of the Wealden Local Plan 1998.

5. The SANGS land shall be used for the provision of SANGS and for no other purpose.

REASON: to ensure appropriate mitigation for the recreational impacts upon the Ashdown Forest SPA in accordance with the requirements set out in Wealden Core Strategy Policy WCS12.

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

6. No dwelling shall be occupied until a SANG Management Plan reflecting the principles contained in SANG Management Plan Rev B date stamped 14 August 2024 has been submitted to and approved in writing by the Local Plan Authority. The SANG Management Plan shall be implemented as approved and thereafter the SANG shall be made publicly accessible and maintained in accordance with the approved details in perpetuity. The SANG Management Plan shall provide details of the SANG infrastructure, including interpretation board(s), path and fencing specifications to minimise impacts on the ancient woodland, and wildlife features, woodland, trees, hedgerows, grassland habitats and any water bodies.

REASON: to ensure appropriate mitigation for the recreational impacts upon the Ashdown Forest SPA in accordance with the requirements set out in Wealden Core Strategy Policy WCS12.

7. The Reserved Matters application(s) for landscaping and layout shall include car parking spaces which shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking and turning areas shall be provided prior to the occupation of the associated dwellings and thereafter retained for that purpose. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998.

8. The Reserved Matters application(s) for landscaping and layout shall show cycle storage provided in accordance with East Sussex County Council's adopted standards. Driveways or parking spaces providing access to cycle parking shall be at least 3.5m wide. The cycle storage and access shall be provided prior to the occupation of the associated dwellings and thereafter retained. PC03

REASON: To provide for alternative modes of transport, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the Wealden Local Plan 1998.

9. The Reserved Matters application(s) submitted pursuant to condition 1 shall provide full details of both hard and soft landscaping and shall include the following:

- (a) positions, design, materials and type of boundary treatments to be erected;
- (b) hard landscaping materials;
- (c) a full Arboricultural Method Statement which for each tree/hedge shall show the accurate position, canopy spread and species, confirming root protection areas, proposals for felling/pruning, any proposed changes in ground level, or other works to be carried out, within the canopy spread, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of

For: Planning Committee North
Date: 7 November 2024

- geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil.
- (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
- (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
- (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
- (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting;
- (h) a timetable or sequencing plan detailing the phased implementation of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No dwelling hereby permitted shall be occupied until all hard landscaping and boundary treatment related to that dwelling has been completed in accordance with the approved details.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008.

10. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority.
 - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; and if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (b) that any remediation scheme required and approved under the provisions of condition (b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

- 1) built drawings of the implemented scheme;
- 2) photographs of the remediation works in progress;
- 3) certificates demonstrating that imported and/or material left in situ is free from contamination.

INFORMATIVE: The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to Land Contamination Risk Management online at <https://www.gov.uk/>

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Policy EN1 of the adopted Wealden Local Plan.

11. 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, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority.
AR01

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013.

12. 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 10.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013

13. No works or enabling work (including vegetation clearance, demolition or below ground level work) shall be carried out on site until, full written details for a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) shall provide for full written details for a Code of Construction Practice shall be

For: Planning Committee North
Date: 7 November 2024

submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) shall provide for:

- a) An indicative programme for carrying out the works;
- b) Measures for protection of retained features and surface water bodies on or adjacent to the site with specific regard to the protection of the Pevensey Levels;
- c) A scheme for the control of noise and dust which shall accord with British Standard ' BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites;
- d) Management of traffic visiting the site including the anticipated number, frequency and types of vehicles used during construction, the times of delivery and collections and measures necessary to ensure highway safety;
- e) Measures to ensure that HGV loads are adequately secured;
- f) The method of access, including temporary access points, on-site turning and egress ;
- g) The parking of vehicles by site operatives and visitors;
- h) The loading, unloading and storage of plant, materials and waste. 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);
- i) Measures to minimise the potential for pollution of groundwater and surface water;
- j) Details of measures to manage flood risk, both on and off the site during construction;
- k) The location and design of security hoardings, site offices and storage compounds;
- l) The arrangements for public consultation and liaison during the construction works;
- m) No bonfires to be permitted during site clearance or construction.

The approved COCP shall be adhered to in full throughout the construction period.

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998

14. During the construction and demolition phases of the development no works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and no works on Sundays, Public or Bank Holidays.

Construction deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

REASON: To protect residential amenity, having regard to Saved Policy EN27 of the adopted Wealden Local Plan.

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

15. Prior to the commencement of development a scheme (including a programme for its implementation) for the provision and management of naturally vegetated buffer zones between the development and the ancient woodland shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Plans showing the extent and layout of the buffer zone;
 - b) Details of the planting scheme which shall include native species of local provenance;
 - c) Details demonstrating how the ancient woodland and buffer zone will be protected during construction and occupation of the development and managed and maintained over the longer term; and
 - d) Details for the restriction of public access to the ancient woodland. The landscaped buffer shall be planted in accordance with the approved scheme in the first planting season prior to commencement of development. 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.

REASON: To safeguard irreplaceable habitats having regard to Saved Policy EN8 of the Wealden Local Plan and Policy WCS12 of the Core Strategy.

16. The development shall not commence until technical details of access related highway scheme to include details of footway, uncontrolled crossing point, right-turn ghost island, drainage, street lighting and signage have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the scheme for access has been completed in accordance with the agreed specification.

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

17. The access shall not be used until visibility splays as shown in drawing 22-T025.24 are provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

REASON: In order to provide visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development and the adjoining road having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

18. No works below ground level shall take place until detailed plans, including levels, sections and constructional details of the proposed roads, surface water

For: Planning Committee North
Date: 7 November 2024

drainage (including details 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), outfall disposal and any street lighting have been submitted to and approved in writing by the Local Planning Authority, and such work as approved shall be carried out at the time of the development and thereafter so retained. HW02

REASON: In the interests of and for the safety of persons and vehicles using the development and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

19. No development shall be occupied until confirmation has been provided to the satisfaction of the Local Planning Authority that either all sewage works upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure-phasing plan has been approved in writing by the Local Planning Authority to allow development to be occupied. Where a development and infrastructure-phasing plan is agreed no occupation shall take place other than in full accordance with the approved development and infrastructure phasing plan. DF02(M)

REASON: To ensure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

20. Prior to either the commencement of development, or commencement of each phase, where a phase is drained independently of any other phase in the development, details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be provided in accordance with the approved details before first occupation of the development or where phased, development within that phase.

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

1. Surface water discharge rates shall not exceed greenfield runoff rates, as described in the Flood Risk Assessment and Outline Surface Water Drainage Strategy Ref 680480-R1(02)-FRA date stamped 26 October 2022, for all rainfall events including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations shall consider the connectivity of the different surface water drainage features.
2. The site levels design and development layout shall recognise the existing site topography and potential pluvial flow paths through the site. Allowances should be made for these to be retained unless alternative arrangements are made to collect pluvial flows and divert these around parts of the development that might be considered vulnerable. The site development layout will provide for pluvial flow paths.

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

3. The drainage layout drawings shall include pipe and manhole references that match the drainage calculations. Layout plans shall include the proposed finished floor levels of dwellings, driveways and hardstanding, roads and some landscape levels to describe the general site arrangement and demonstrate that flows arising on the site would be directed to the attenuation basin rather than off-site across the boundaries into third party land.
4. The details of the outfall of the proposed attenuation ponds and how it connects into the receiving watercourse(s) shall be provided as part of the detailed design. This shall include cross sections and invert levels.
5. The basins shall be above the prevailing ground water levels during the wetter periods of the year. Measures to manage any potential groundwater flows into and out of the attenuation basins shall be included in the detailed design submission. The detailed design of the attenuation basins should be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
6. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The roads and levels design shall prevent exceedance flows from being directed out of the site via the entrance road and onto the main road.

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

21. Prior to occupation of any dwelling within a phase of the development, evidence (including as built drawings and photographs) shall be submitted showing that the associated surface water drainage system for that phase of development has been constructed in full accordance with the final approved detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

22. A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan shall cover the following:

- a. Who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
- b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

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

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998

23. 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 bats, birds, reptiles, great crested newts and badgers, and measures for the 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. NC08

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013.

24. 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 the recommendations contained in the submitted Ecological Impact Assessment date stamped 19 September 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 identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013

25. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior the first occupation of any of the dwellings hereby permitted of the 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; and

- 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 for the lifetime of the development.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998.

26. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the impact of lighting on driver safety on the A27 Trunk Road. The artificial lighting within the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note 01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 Bats and Artificial Lighting at Night or where superseded the current guidance at the time.

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

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN27 and EN29 of the adopted Wealden Local Plan and the Wealden Design Guide, Chapter 3, Section 18 and Chapter 8, Section 7

27. No trees and/or hedgerows that have been approved as being retained, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-
- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches

For: Planning Committee North
Date: 7 November 2024

or trunk of the tree or hedgerow as per the requirements of BS5837:2012
 Trees in relation to design, demolition & construction - Recommendations.

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

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998 and the Wealden Design Guide, Chapter 3, Section 6.

- 28. Prior to the construction of the superstructure of any buildings, details of water and energy efficiency measures and renewable energy and sustainable construction measures within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter so retained. SS05

REASON: To promote sustainable building design, having regard to Spatial Planning Objectives SPO9 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN1 of the Wealden Local Plan 1998 and Chapter 4 of the Wealden Design Guide 2008.

- 29. 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.

For: Planning Committee North
Date: 7 November 2024

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998.

30. 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 the 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.

REASON: To protect residential amenity, having regard to Saved Policy EN27 of the adopted Wealden Local Plan.

31. 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 air quality damage cost calculation of £79,340.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998.

NOTE 1: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

NOTE 2: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house / street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address.

NOTE 3: The applicant is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

NOTE 4: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

NOTE 5: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice

NOTE 6: A formal application for connection to the public sewerage system is required in order to serve this development. For further advice, please contact:

Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW
Tel 03303030119
www.southernwater.co.uk

NOTE 7: The applicant is advised of the need to consult East Sussex Fire Service regarding the provision and location of fire hydrants within the development.

Reason for Referral

The application is referred to this Committee as positive determination is beyond the scheme of delegation. This is a major application for a site identified for development in the Regulation 18 Draft Local Plan 2024

Executive Summary

The proposal is an amended outline planning permission for the erection of up to 145 dwellings. All matters are reserved except for access.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan, which was

formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan. These policies however, are out of date and have been superseded by policies contained in the adopted Core Strategy Local Plan (CSLP) 2013 which recognised the need to breach development boundaries to meet identified housing need. The site has been included as one of the proposed housing allocations in the Draft Local Plan, which was the subject of Regulation 18 consultation between March and May 2024 although little weight can be attributed to the proposed allocation at this stage.

Policy WCS14 of the WCSLP is clear that decisions should apply a presumption in favour of sustainable development. The strategic housing policies and development boundaries (GD2, DC17, WCS1 and WCS2) in the WCSLP and WLP are out of date given the level of need on which the plans were based on and the age of the policies. As such WCS14 states in these situations, where the most relevant policies are out of date, consent should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or where specific policies in the framework indicate consent should be refused. As set out in the main body of the report, the adverse impacts would not significantly and demonstrably outweigh the benefits. Policy WCS14 therefore indicates that planning permission should be granted.

The original application was for 210 dwellings. Following concerns raised by statutory consultees and officers, the applicant has removed development away from the ancient woodland of Paygate Farm Shaw and Eastbourne Road thereby reducing the quantum of development to 145 dwellings and increase the size of the proposed SANG. Layout has also been amended to remove the area of SUDs to the south of the woodland outside of the 15m buffer zone as outlined in Natural England/Forestry Commission's Standing advice.

Subject to the imposition of conditions and the completion of a S106 agreement to secure the necessary and justifiable infrastructure works, financial contributions, SANG and affordable housing as recommended at the front of this report the proposal is compliant with the development plan when read as a whole and there are no other material considerations that indicate consent should be withheld. Approval of this application is recommended.

1. Statutory Bodies and Residents - Responses

Highway Authority

Summary: Five responses (received 24 October 2024, 8 January 2024, 4 October 2023, 1 June 2023 and 2 February 2023)

OBJECTION

Further discussions between the applicant and the Highway Authority have been ongoing to overcome the objections expressed in terms of access and

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

accessibility. The site remains in an unsustainable location to support active travel modes, for reasons relating to excessive walking distances to regularly required destinations, and unsuitable cycling routes towards the town centre. As such the site remains a car reliant proposal, though with appropriate mitigation would be accessible by public transport. Whilst car parking remains free in most of the district, private vehicle use will remain as a first choice of mode.

In summary these discussions have resulted in the following outcomes:

- 1) Pedestrian access – the proposal now proposes a scheme to accommodate pedestrian users and a footway link is now included between the existing Cysleys Farm access (signposted as TBH Fitness) across Eastbourne Rd with a uncontrolled crossing with refuge, and reconstruction of footway on the south side of Eastbourne Rd so that 2m wide provision is made up to the site currently under construction on the south side of Eastbourne Road to the east of Ridgewood Industrial Park.

The footway works entail works along the verge section on the south side of Eastbourne Rd to include the removal of low value self-seeded saplings and provision of a retaining wall to prevent obstruction of the footway from debris drift; carriageway realignment to enable the refuge to be fitted without affected carriageway width requirements.

This element of the proposal has been subject of a road safety audit dated August 2024 ref BN-ICENI-24-115, which flags up 3 problems which are responded to in the designer's response dated 30 August 2024. These documents are found in appendix A4 of the Transport document submitted 14 October 2024.

- The first 2 problems relate to technical details (surface water pooling on highway and land levels where verge falls away) it is agreed that these matters can be dealt with at detailed design stage.
- The third problem relates to pedestrian visibility at the proposed uncontrolled crossing point, where verge vegetation bounding the narrow part of the footway (section not being widened) overhangs into pedestrian sightlines for approaching vehicles. This would need to be incorporated into the footway scheme with physical management measures in place to keep the section clear of obstruction, for purposes of maintaining safety for active travel modes. This can be included in the s278 agreement aforementioned on the basis that it will be again flagged up at stage 2 RSA for the crossing point safety assessment.

The proposed works have been reviewed by the County Soft Asset and technical teams and these works have been accepted for securing in a s106 agreement for off-site highway works through a s278 highway agreement.

- 2) Main Access (vehicle and pedestrian) – the proposal includes an access with bellmouth width 18m, radii 10-12m, with 3m footway on north and 2m footway on south sides to connect to the existing network, ghost right turn

facility and pedestrian refuge on its north-western side. Appropriate visibility splays are provided and there is a need for management of site boundary vegetation to ensure that sightlines are not obstructed by overgrowth. Swept path drawings have demonstrated that vehicles are able to be accommodated. A RSA stage 1 for the most recent iteration of this drawing (dwg 41 dated October 2024) has been provided to conform with the construction requirements for a road where speeds are derestricted (DMRB standards). The outcome of the road safety audit states 6 problems:

- i) *Eastbourne Road: No details have been provided in respect of surface water drainage or other services and it is therefore not possible to ascertain whether there will be any safety implications. Poor drainage may result in the collection of surface water which could increase the risk of loss of control collisions. It is recommended that adequate surface water drainage is provided within the vicinity of the scheme.*

Designer response: Accepted. Details of surface water drainage will be provided at detailed design stage.

LHA response: Agreed, that the surface water drainage provision can be assessed at s278 stage for the off-site highway work content.

- ii) *Eastbourne Road – Bus layby: Bus drivers may struggle to enter and exit the bus lay-by resulting in an obstruction of Eastbourne Road. The drawings provided detail the introduction of a bus lay-by to the south-east of the proposed junction. At this concept Stage 1 audit no detailed dimensions of the provision have been provided, nor auto tracking have been offered detailing the ease as to which a bus driver can enter the bus lay-by. It is therefore difficult for the Audit Team to ascertain whether the bus lay-by will be suitable. If a bus driver struggles to manoeuvre into and out of the bus lay-by smoothly, a bus can overhang the running lane which may result in last minute braking and potential strike. This is further hampered by the presence of the traffic island proposed within the central hatching. It is recommended that auto tracking of a bus is provided to highlight the ease with which the bus driver can enter and exit the proposed lay-by.*

Designer response: Swept Path Analysis (SPA) has been undertaken to demonstrate a standard rigid bus can enter and exit the proposed bus stop and layby in forward gear. A plan showing the (SPA) is appended to this response (Drawing 22-T025_38).

LHA response: Agreed, the swept path plan indicates that this manoeuvre is accommodated.

- iii) *Eastbourne Road – Bus layby: Bus drivers may struggle to exit the bus lay-by resulting in delays to the bus timetable and potential for a bus driver to attempt to enter the running lane at risk of conflict with an approaching motorist. The drawings provided detail the introduction of a bus lay-by to the south-east of the proposed junction. Traffic flows have been provided*

which detail that in the existing peak period between 198 and 268 vehicles travel south-east bound along Eastbourne Road, with the proposed development increasing these levels slightly. There is a concern that any bus driver that is required to enter the bus lay-by to collect/drop off passengers in peak times, may struggle to re-enter the carriageway. This may result in a bus driver attempting to exit the lay-by at risk of conflict with motorists within the running lane. It is recommended that the proposed lay-by layout is discussed with the local bus companies prior to finalisation of the bus layout.

iv)

Designer response: The traffic flows have been reviewed and there are similar levels of traffic travelling northbound along Eastbourne Road. PIC data has been reviewed in the location of the existing northbound bus stop approximately 125m to the south which is also located within a layby and it can be seen that no collisions have occurred.

LHA response: agreed, the growth in traffic is unlikely to be discernible. Any minor adjustments to the layby can be addressed at s278 stage when the Passenger Transport team are able to advise.

- v) *Eastbourne Road – Bus layby: A stationary bus may obstruct visibility for drivers exiting from the junction which may result in conflict; failure to give way, sudden braking, within Eastbourne Road. The drawings provided detail the introduction of a bus lay-by to the south-east of the proposed junction. Visibility splays have also been provided at the junction (although it is noted that they appear to be detailed from the centre of the junction and not the centre of the lane). There is a concern that this visibility splay crosses through the proposed Bus layby. When a bus is within the lay-by visibility of north-westbound vehicles is likely to be obstructed. This may result in a driver exiting the junction (to travel north westbound) exiting into the path of an approaching motorist. NB: It is acknowledged that forward visibility is likely to be sufficient, however sudden braking may occur if an approaching driver is required to unexpectedly give way to a driver exiting the junction., which may result in rear end shunts or T-bone collisions. It is recommended that the bus lay-by is relocated out of the visibility splay.*

Designer response: The southbound visibility splay is measured to 1m from the northern kerb of Eastbourne Road for robustness. However, given there is a traffic island in place and approach to right turn lane, it's unlikely that any overtaking will occur and therefore the visibility splay can be taken to the centreline of Eastbourne Road, which then means the visibility splay does not pass through the location where buses are temporarily parked. For completeness, a new drawing has been provided to show the visibility taken to the centreline. Drawing 22-T025_41 is appended to this response.

LHA response: bus services are 1 per hour and are visible double decker buses. The layby being within the site allows some adjustment to the depth of the layby which can be determined at detailed design stage.

- vi) *Eastbourne Road – Realignment to accommodate proposed junction and island: Larger vehicles may struggle to negotiate the lane past the island, resulting in the potential strike of the island and possible loss of control type conflicts. The drawings provided detail the realignment of Eastbourne Road to accommodate the island and new junction. There is a concern that the realignment may be unexpected and the lane width tight alongside the island. Subsequently, larger vehicles may struggle to negotiate the lane past the island, resulting in the potential strike of the island, loss of control type conflicts and potential pedestrian strike. It is recommended that auto tracking is provided to highlight the ease with which the driver of a larger vehicle can travel along this section of Eastbourne Road.*

Designer response: Swept Path Analysis (SPA) has been undertaken to demonstrate a 16.5m articulated vehicle (maximum legal length) can travel along this section of Eastbourne Road and past the proposed refuge island. A plan showing the (SPA) is appended to this response (Drawing 22-T025_40).

LHA response: agreed, the realignment is accompanied by hatched road markings which would provide appropriate guidance to drivers.

- vii) *Eastbourne Road – existing footway: Pedestrians directed onto a narrow footway which may result in pedestrian strike. The drawings provided detail the introduction of an uncontrolled crossing connecting pedestrians from the development across Eastbourne Road onto the existing footway. This footway is narrow. This footway is insufficient in width for a wheelchair or pedestrian with pushchair. Directing pedestrians to this footway may increase the risk of pedestrian strikes on Eastbourne Road. It is recommended that a footway of sufficient width is provided to the Bus Stop located to the north-west.*

Designer response: The section of footway in question varies in width between 1.1m and 1.3m for approximately 50m between the crossing point and bus stop. Whilst it is recognised that the width in this location is not 2m, it is considered suitable for the relatively limited number of residential movements. Firstly, an additional northbound bus stop is proposed more centrally along the site frontage and is accessible by the northernmost pedestrian access. The route to the northernmost bus stop includes using an internal 2m wide footpath and crossing Eastbourne Road via a pedestrian's refuge island before continuing on a 2m footway on the western side. In addition, the northernmost proposed bus stop will be one stop closer to the resident's destination. Therefore, it's considered more likely that a greater number of future residents would use this stop. This is also considered as an alternative stop for anyone who has concerns about using the slightly reduced short section of footway. Further, the location of the bus stop has been considered in context with the wider area and there are expected to be extremely low number of pedestrians passing in opposite directions along the 50m long section of footway highlighted. As such, it is not considered necessary to enhance the 50m section of footway between the crossing location and proposed northbound bus stop.

LHA response: it is agreed that the northern bus infrastructure proposals are supported with suitable footway and crossing provision and likely supported with an internal route (subject to Reserved matters) which is a more attractive route than to walk along Eastbourne Road. However, due to the scale of the proposed development and SANGS proposal, there is a need for an improved access for pedestrians that alight at the existing bus stop opposite the football club as the proposal would consist of a new destination (SANGS) and route to the housing through the SANGS which may be an option for new residents making a return journey from Eastbourne by bus. On this basis, it is recommended that the footway is improved where possible to allow a route to the pedestrian crossing point, especially as there is no clear route for pedestrians to even join the existing narrow footway. It is noted that there is limited highway land to widen the existing footway to a 2m wide standard, and there is opportunity to enhance the surface and width for a distance of approx. 140m between the existing NB bus stop and the pedestrian crossing closest to the main vehicle access.

- 3) Public Transport provision – 3 formal bus stops have been included in the off-site proposals for this site, 2 of which are in place of virtual bus stops at Cysleys Farm. These are conveniently located to be accessed on Eastbourne Road close to the access points for pedestrians. As mentioned in earlier paragraphs, crossing provision has been made to reach them by way of a proposed pedestrian refuge, width 2m.
 - a) southbound stop on north side of Eastbourne Road, with a 2m footway connection to the main vehicle access and the proposed SANG. This is proposed within a layby and is expected to be supported with a shelter, seating and RTI.
 - b) Southbound stop at Cysleys Farm, with a short section of 1m wide footway to connect to and from the site via the proposed THB access. This is proposed as a simple flagged stop with bus cage and kerbs as it is considered that it would be mainly for alighting passengers arriving from the town centre. This is an enhancement to what is currently available and is what can fit within the network. Ideally if 1.2m could be incorporated which may impact on the boundary hedge (subject to landowners consent) accessibility would be an improvement for wheelchair users and persons with buggies and young children. It is requested that 1.2m is provided.
 - c) Northbound stop paired with (b), formalised virtual stop with bus cage, proposed widened footway and is expected to be supported with a shelter, seating and RTI.

These are expected to be secured within a s106/s278 for off-site highway works. The proposed bus stop layby and footway positioned within the site shall be dedicated as highway.

- 4) Previously raised as an objection was the inability for the proposal to support cycling from the site. It is evident that experienced cyclists are not deterred from using roads which support higher speeds than 30mph,

though encouraging new users to cycle is likely to be challenging where speeds are 40mph+. The view expressed here is that there are policy requirements targeting Net Zero Carbon by 2050, and the site is a convenient cycling distance from regularly travelled local amenities such as the college and commercial centre but without an attractive route which accords with LTN 1/20 [Eastbourne Road has speed limit 40mph]. The recent construction of the development site on the south side of Eastbourne Road adjacent to Ridgewood Industrial Park has a route to low speed/traffic environments and emerges onto Lewes Road where speed limit is 30mph. Though not ideal, and not necessarily direct, it may be a preferred route. As far as active travel from this site can be accommodated, walking distances are not convenient but cycling would be if there was a suitable available route. An objection on this is maintained, and the LPA would need to consider on balance the level of weight this is given on the basis that public transport and walking can be accommodated.

- 5) New Road is considered to be a matter of whether there is likely to be an impact resulting from the growth of traffic likely to use this route for cutting to reach the A22 for northbound journeys rather than continuing south on Eastbourne Road and then attempting to make a right turn movement at an uncontrolled junction across the A22. On balance, if following a satnav, it is likely to direct one along the shortest route which would be New Road, however, when using the route during busy times, it is neither convenient or quicker than routing towards the Highland Roundabout and joining Lewes Road towards A22 (Little Horsted Roundabout). The transport modelling carried out for this site suggests an additional 30 or so trips would be directed along New Road during peak periods, based on traffic distribution forecast figures.

To assist assessment of the impact, there is an expectation of an additional 65 vehicle trips in the AM and 95 trips in the PM peak hours on the network. The applicant has predicted that 86% are to and from the direction northwest of the site, 14% southeast. 18% would route using New Road which is calculated to be 11-12 vehicles in the AM and 17 vehicles in the PM peak. On the basis that this route would likely be busy during this time it is predicted that these flows may not be to this quantum given the unpredictable efficiency of using this route. When checking typical traffic during peak periods on Google Maps, the route between the site and Little Horsted Roundabout using New Road is in fact slower than via Highlands Roundabout or right turning at Eastbourne Road/A22 junction. It is agreed that the impact on New Road is unlikely to be a preferred route option in the long term, though would likely result in drivers attempting the route to work this out in the interim.

- 6) Impact on the highway network in general – this has been reviewed for a number of sites in Uckfield and there is a scheme that has been identified to improve capacity at key junctions in the town centre since the majority of town centre junctions operate at over capacity.

Based on discussions with the Signals Team at East Sussex Highways, as it stands, there has not been a scheme fully drawn up for the town centre as this would involve a extensive surveys of the network to include assessments of junction operation, use of the highway network, pedestrian crossing demands and safety risks. A MOVA scheme which links up all the signalised junctions/crossings is likely to be the only potential solution to assist the flows of vehicular movement through the town centre though the extent of the improvement is difficult to measure given the scope of the town centre road system that would need to be considered, the number of junctions and crossing points, any on-street parking areas that may need to be removed through a Traffic Regulation Order (separate public consultation) and scope of growth through unplanned development. The reason a scheme has not been drawn up is that the Core Strategy Local Plan included the last known housing allocation for Uckfield (Ridgewood Farm 1000 dwellings, approved in 2016) and the Draft Local Plan for Wealden (2019) did not include any sites in Uckfield for reasons relating to Ashdown Forest at that point in time. The Signals Team have, however, provided some ballpark costs for surveys, signals equipment and technology which I provide below:

*Survey & Design - **£4,500** [Site / Cruise Speed / Duct Survey £1000]
[Design – TOPAS 2500, Drawing, Dataset £2500] [MOVA Validation £1000]*

*Installation of equipment - **£10,000** for a pedestrian crossing (x4) ; **£15,000** for a junction (x3).*

Sites subject of the potential scheme are:

- Y71123: London Rd (Hooke Hall)-Pedestrian crossing
- Y71111: High St/Church St- junction
- Y71183: High St (Post Office)-Pedestrian crossing
- Y71113: High St (Town Centre HSBC)-Pedestrian crossing
- Y71191: High St/Bell Lane-Junction
- Y71153: Bell Lane (Bus Station)- Pedestrian crossing
- Y71121: High St/Framfield Rd-Junction

Annual charge for maintenance is 10% of value of equipment, for 20 year period.

*Any TROs required for parking management would be **£5000** per TRO.*

The overall ballpark cost depending on the number of TROs or other engineered requirements would be around £100k + ongoing maintenance.

Please note that this was accepted by the Planning Inspector for BIES and Downlands appealed schemes. If your site is included in the Regulation 19 Local Plan, a scheme is likely to be drawn up to support the sites coming forward in Uckfield and a contribution towards this may be secured. Until then, this scheme is being requested for all sites that are current

departures from the Core Strategy Local Plan. It should also be noted that the current Regulation 18 Local Plan sites have not yet been modelled through the County Wide Transport Model, after which a mitigation study will need to be drawn up and local highway schemes developed. It is expected that this scheme will form part this. This scheme would need to be accepted and secured within a s106 agreement.

Summary

The application for 145 dwellings at Cysleys Farm has an element of disconnect for active travel modes. It is in excess of 2km from local amenities other than The Highlands PH, Co-op store and Ridgewood Industrial Park. Walking as a mode is challenging to reach daily needs and car travel remains as a first choice mode since parking charges remain free in the local town centre. Cycling as an alternative active travel mode to walking would in distance terms be a good alternative to walking, but available routes would not be encouraging for less experienced riders and so does not support a notion to increase cycle users. Access to the site is achievable for public transport and car users in addition to essential service vehicles. As such the principle of the site location is not one that provides the required travel options when considering the Active Travel England checklist. What the application has offered within the proposal is:

- a) improved footway to connect to the existing footway network to an appropriate standard and this authority seeks a further enhancement to provide link to an existing bus stop opposite the football club.
- b) 3 new formal bus stops with appropriate infrastructure
- c) Travel plan to include car club provision
- d) Achievable access for both vehicles and pedestrians
- e) Crossing points on Eastbourne Road

Although the proposal can provide appropriate localised infrastructure to support public transport usage and footways to connect to them, realistically on a wider scale it is questioned how many residents are likely to walk or cycle between the site and local amenities to a level that would support the travel plan objectives.

The application is not supported on sustainability grounds, the primary reason being that active travel modes are not likely to be a first choice due to distances (walking) and suitability of routes (cycling).

However, should the LPA wish to recommend this site for approval, the following conditions and heads of terms for s106 are expected to be included to ensure that the site delivers optimal sustainability credentials.

- 1) Access points and related off-site highway works – highway footway improvements and verge retention works, crossing points with refuges, new junction and right-turn facility, lighting scheme (s278)
- 2) public transport service contribution of £1350 per dwelling to supplement the existing bus services.

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

- 3) school transport contribution at cost of £703 per pupil falling within the eligible distance for school transport from 1st occupation to 1 full academic year from full occupation.
- 4) provision of three new bus stops to be located within 400m of the proposed development access points, furnished appropriately with shelters, seating and real time information, bus cages, kerbing and hardstanding (2no. SB; 1no NB) (s278 and town council agreement for shelter maintenance).
- 5) Travel Plan to include significant measures to encourage the take up of bus use, including 6 months free travel for new residents followed by a further 6 months of discounted travel; car club with 1st car available at opening and 2nd car on completion. Residents' information pack; Audit fee £4500 for period 5 years of annual site monitoring.
- 6) Signal optimisation system for town centre junctions (SCOOT or MOVA) at cost of £100k + annual maintenance cost over 20 year period (10% of value of installed equipment)

Conditions

- 1) The development shall not commence until technical details of access related highway scheme to include details of footway, uncontrolled crossing point, right-turn ghost island, drainage, street lighting and signage have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the scheme for access has been completed in accordance with the agreed specification.

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 as shown in drawing 22-T025.24 are provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

- 3) 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.

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

For: Planning Committee North
Date: 7 November 2024

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

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

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

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

- Temporary access provision
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access, turning, 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.

- 7) The development shall not be occupied until the necessary highway mitigation works for East Sussex Highway networks (Uckfield town centre signals enhancement scheme) has been fully completed.

Reason: To ensure the impact caused by traffic generated by this development is mitigated and sustainable modes of travel are available.

Please note:

- a) This Authority's requirements associated with this development proposal will need to be secured through a Section 106 and 278 Legal Agreements

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

between the applicant and East Sussex County Council The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- b) The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development, the applicant should contact East Sussex County Council' Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.
- c) The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.
- d) The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place
- e) 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.

Previous Consultation Responses can be viewed on the Council's web site Available here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828&AspxAutoDetectCookieSupport=1>

Southern Water

Summary: One response (received 8 December 2022)

For: Planning Committee North
Date: 7 November 2024

COMMENT

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

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

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

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

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

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Environment Agency

Summary: No response received

ESCC Flood Risk Management

Summary: *One response (received 4 January 2023)*

NO OBJECTION

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

Detailed comments:

We have reviewed the information submitted by the applicant and consider it to be appropriate.

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

1. Surface water discharge rates should not exceed greenfield runoff rates, as described in the flood risk assessment and drainage strategy, for all rainfall events including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should consider the connectivity of the different surface water drainage features.
2. The site levels design and development layout should recognise the existing site topography and potential pluvial flow paths through the site. Allowances should be made for these to be retained unless alternative arrangements are made to collect pluvial flows and divert these around parts of the development that might be considered vulnerable. Ideally, the site development layout will provide for pluvial flow paths.
3. The drainage layout drawings should include pipe and manhole references that match the drainage calculations. Layout plans should include the proposed finished floor levels of dwellings, driveways and hardstanding, roads and some landscape levels to describe the general site arrangement and demonstrate that flows arising on the site would be directed to the attenuation basin rather than off-site across the boundaries into 3rd party land.
4. The details of the outfall of the proposed attenuation ponds and how it connects into the receiving watercourse(s) should be provided as part of the detailed design. This should include cross sections and invert levels.
5. The basins should ideally be above the prevailing ground water levels during the wetter periods of the year. Measures to manage any potential groundwater flows into and out of the attenuation basins should be included in the detailed design submission. The detailed design of the attenuation basins should 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 ponds and the highest recorded groundwater level. If this cannot be achieved, details of

For: Planning Committee North
Date: 7 November 2024

- measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
6. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The roads and levels design should prevent exceedance flows from being directed out of the site via the entrance road and onto the main road.
 7. A maintenance and management plan for the entire drainage system should 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 should cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
 8. 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 stand-alone document or incorporated into the Construction Management Plan for the development.
 9. Prior to occupation of each phase the development, evidence (including photographs) should be submitted showing that the drainage system for that phase has been constructed as per the final agreed detailed drainage designs.

County Archaeologist

Summary: *Two responses (received 17 October 2023 and 21 December 2022)*

RECOMMEND APPROVAL IN PRINCIPLE SUBJECT TO THE IMPOSITION OF CONDITIONS

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

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

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

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

[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.

Relevant National Planning Policy

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Detailed Comments

This application is accompanied by an archaeological desk – based assessment that places the site within an archaeological and historical context. This desk – based assessment concludes that the potential for the site to contain archaeological remains of all periods, from the prehistoric to modern era, is low. However, I would argue that appropriate weight has not been given within the document to the local discoveries made at Ridgewood c.1km. to the west. Here, curvilinear gullies, post-holes and a spatially – associated assemblage of humanly – struck flint have been dated to the Late Mesolithic / Early Neolithic period. A ditch, staked boundary, four pits and evidence of metal working and ritual deposition assigned to the 1st century CE were also recorded. Furthermore, the tithe map of 1841 clearly shows the presence at that time of a house and garden in the approximate centre of the application site. This property had been demolished by the time of the 1st Edition Ordnance Survey of 1875, although its date of construction has not been ascertained.

After taking all the evidence into consideration, it is my opinion that any groundworks undertaken at the application site have the potential to expose buried archaeological cut features, structures, deposits and artefacts of prehistoric and Romano-British date and the below ground remains of the house and garden recorded on the 1841 tithe map.

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

For: Planning Committee North
Date: 7 November 2024

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

Previous Consultation Responses can be viewed on the Council's web site
Available here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828&AspxAutoDetectCookieSupport=1>

Natural England

Summary: *Five responses (received 8 August 2024, 7 May 2024, 6 March 2024, 24 October 2023 and 5 December 2022)*

Evidence to be submitted that the appropriate management and maintenance of SANGS will be secured in perpetuity and the submission of an updated HRA by the competent authority.

Previous Consultation Responses can be viewed on the Council's web site
Available here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828&AspxAutoDetectCookieSupport=1>

NatureSpace

Summary: *Two responses (received 18 October 2023 and 6 December 2022)*

LICENCE REQUIRED

Summary

The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.

There are 23 ponds within 500m of the development proposal. The closest two within 5m north and south of the site, a further 13 ponds within 250m and 8 ponds within 500m of the site.

There are 6 great crested newt records within 500m of the site boundary.

There is direct connectivity between the development and surrounding features in the landscape.

Ecological Report

Following a change in development plans - The applicant has provided updated ecological information, *Appendix F – Great Crested Newt Surveys, Land North of*

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

Eastbourne Road, Uckfield (FPCR Environment and Design Ltd, August 2023) which states:

- A licence is recommended due to the positive records of GCN within pond P6 in 2015 and historical data from 2005, suggest that a population is still likely to be present and is assumed in this assessment.

Conclusion

We are in agreement that a licence is recommended, due to the close proximity of ponds, local great crested newt records and suitable habitat found on and surrounding the site.

The applicant has two licensing options. Either the District Licensing route can be used to demonstrate that the impacts of the proposed development can be addressed through the Council's District Licence (more details can be found at www.naturespaceuk.com); or the standard EPSL route can be taken.

Updated surveys of the ponds and on-site habitat may be needed following a further planning application to ensure that there have been no significant changes since the previous surveys. Ecological surveys are likely to be valid for 12 - 18 months (CIEEM, 2019).

Previous Consultation Responses can be viewed on the Council's web site Available here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828&AspxAutoDetectCookieSupport=1>

Police (Crime Prevention)

Summary: *One response (received 28 November 2022)*

NO OBJECTION

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Wealden district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

The site is located to the north east of Eastbourne Road, on the south eastern edge of Uckfield. The town is located within the Wealden District, East Sussex

For: Planning Committee North
Date: 7 November 2024

and lies approximately 11km to the north east of Lewes and 13km to the south east of Haywards Heath.

The DAS Pt 2 mentions it intends to deliver. *A desirable place to live, work and play, which is safe and secure, is fundamental. This will be achieved by the way the development is laid out and by the street, block, and plot design. Buildings will be located to actively face streets and public areas in order to promote 24-hour surveillance, and to encourage safer places. Public areas such as the streets and play areas will be designed so that they are safe, easily accessible, and attractive to use. All users will be considered as part of an inclusive design approach. It is important that there is good surveillance of public spaces by a number of properties and buildings, and that barriers, blank walls and 'dead ends' are avoided. Locating windows and doors on corners, or gable ends is a key principle, and occurs within the local context. Across the whole development careful attention will be paid to designing out crime through the layout and promoting privacy and security.*

I am in fully agreement with above statement and would like direct the applicant or their agent to the SBD website where the residential SBD Homes 2019 V2 document can be found. The SBD scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments.

Topics such as footpath design for the proposed pedestrian link from the development to Eastbourne Road, parking advice, cycle security, robust perimeter fencing and gating, play areas and open spaces, planting alongside footpaths, permeability and lighting requirements are mentioned and would be of assistance to the applicant in creating a desirable place to live, work and play, which is safe and secure.

East Sussex Fire and Rescue

Summary: *One response (received 5 December 2022)*

NO OBJECTION

If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.

ESCC Rights of Way (Footpaths)

Summary: *No response received*

Framfield Parish Council

Summary: *Two responses (received 27 June 2023 and 24 January 2023)*

STRONGLY OBJECTS

A summary of the key points raised are set out below from both consultation responses:

- Serious danger of flood
- B2102 from Framfield to Uckfield is constantly flooding as is the area around Uckfield hospital, Brookhouse Land and many other local roads.
- 23 ponds with fauna and flora that would be lost
- Eastbourne Road is very dangerous
- Site is not within walking distance of Uckfield Community College
- Clarification of points made regarding ESCC Highway comments
- No benefits to the existing community
- Greenfield land outside of any development boundary
- Overdevelopment of the site
- Development provides more negative impacts than benefits to the community around it
- Incorrect and out of date facts and figures in submitted information – specific reference to Transport Assessment
- Impact on Ancient Woodland
- Impact on wildlife
- Unacceptable walking distances
- Road unsuitable for cyclists
- Bus services are not a realistic option to travel to work
- Bus and train services are overstated
- Issues with sewage pumping station in Framfield and Uckfield sewage treatment plant
- Lack of community involvement – Parish Council was not involved.

Full details of comments can be viewed on the Council's website.
Available here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828&AspxAutoDetectCookieSupport=1>

Uckfield Town Council

Summary: *Three responses (received 21 February 2024, 18 October 2023 and 15 June 2023)*

OBJECTION

Members resolved to object to the application on the grounds given below:

- (i) overdevelopment of a greenfield site;

For: Planning Committee North
Date: 7 November 2024

- (ii) isolation of a development in terms of distance from the nearby settlements of Uckfield and village of Framfield;
- (iii) the application being located within the parish of Framfield but set on the outside boundary of the parish, and away from the village settlement;
- (iv) the main highway access point onto a road of national speed limit, with no supporting information to demonstrate discussions on traffic calming measures;
- (v) flaws and inaccuracies within the data presented in the interim travel plan in particular relating to walking distances, key facilities and services, and train and bus service information;
- (vi) Town centre junctions already operating at capacity
- (vii) Concerns for increased in traffic pressure onto New Road
- (viii) Cumulative impact of traffic from all new developments in area
- (ix) the lack of proposals or information to demonstrate the provision of sustainable transport options to support the development;
- (x) detrimental impact on the designated areas of ancient woodland, and lack of consideration or reference to the provision of an appropriate buffer zone and protection of this important and historic habitat, thus breaching NPPF 179, 180, 185b and 174;
- (xi) the increased risk of flooding and pollutants to Framfield Stream, and adjacent business - Framfield Fisheries. Framfield Stream badly flooded Bird in Eye Hill for the first time since 2000 this winter, and concerns have been raised as a result;
- (xii) the risks involved in using a pumped system for drainage;
- (xiii) no approved or draft Local Plan to determine infrastructure and highway capacity or network changes to support the application;
- (xiv) the setting of a high voltage power line across the site and lack of information or reference to this within the application.
- (xv) Impact on listed buildings
- (xvi) Contrary to development plan policies and NPPF
- (xvii) Lack of infrastructure

Response to Town and Parish Councils:

The scheme has been amended and reduced to 145 homes. The revisions have secured amended access works, increased buffers to ancient woodland, improved pedestrian connections and a SANG on the site. There is no technical objection on flooding or drainage, which can secure betterment to localised surface water flooding and also any necessary reinforcement to the foul drainage network.

Whilst outside the development boundary the site is identified for allocation in the emerging Local Plan.

Off-site highways works, as set out under the Highways consultation responses will be secured through legal agreement and conditions will control design and landscape matters on-site.

Other third party responses (including local residents)

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

Notifications of OBJECTION to the application received from 12 households and Sussex Ramblers raise the following issues:

Principle/Infrastructure

- Site is outside development boundary and is unsuitable for development; it is ancient woodland and open countryside.
- Relentless development in Wealden is ruining our part of rural England.
- Government announced housing targets should be advisory.
- Failed local plan means Uckfield is receiving large number of planning applications.
- Further unwelcome extension of Uckfield – town is beginning to merge with nearby small villages.
- Uckfield does not need more houses – still new houses unsold/unfinished in town.
- Lack of infrastructure, services and amenities in town.
- No provision being made for new schools, doctors' surgery, dentists, shops etc.
- Doctors' surgeries have closed their books to new patients; schools are at capacity; and dentist appointments are non-existent.
- All housing development should be refused until two new reservoirs have been built so that residents' daily water needs can be met.
- Frequency and number of buses serving Uckfield has reduced.
- Volume and speed of traffic on roads makes it too dangerous to cycle.
- There are no amenities within 1000m "acceptable" walking distance of site.
- Site too far from town to encourage walking – distances given in the transport assessment are incorrect. Footway into town is in poor state, narrow and requires pedestrians to cross main road twice.
- Proposal relies heavily on use of private cars.
- Developer contributions should be earmarked for facilities to encourage active travel.
- Inadequate foul drainage.

•

Highways

- Increased traffic and congestion will exacerbate existing traffic issues in/around Palehouse Common.
- There are no footpaths or street lighting and the lane is barely wide enough in parts to allow two cars to pass – walkers/joggers, cyclists and horse riders are exposed to danger of speeding vehicles.
- The road system in town cannot cope with more vehicles – it becomes gridlocked in rush-hour.
- Limited parking available in the town – public/supermarket car parks reach capacity most days.
- The Transport Assessment should be ignored as it is using data that is 11 years old. Current census data would show dramatic increase in car ownership and use of cars to travel to work.

For: Planning Committee North
Date: 7 November 2024

Economic

- Impact on local fishery business from increased runoff which will bring chemicals and toxins onto the site; and from noise pollution.

Environmental

- Loss of boundary between urban Ridgewood and rural Palehouse Common.
- Site is elevated and in places exposed – development will be very visible, especially from the North East.
- Loss of rural aspect to footpath Framfield 65b.
- Agricultural/farmland should be preserved to ensure the UK can become self-sufficient in food production. Cysley's Farm has potential to produce good quality food for the local community.
- Loss of high quality and diverse habitats. Ecological Statement acknowledges there will be a net loss in biodiversity.
- Adjoining ancient woodland will be impacted by increased footfall and recreational pressure. Proposal does not maintain a 50m buffer zone.
- New planting does not compensate for ancient woodland being felled.
- Increased surface water runoff and localised flooding.
- Risk of foul water flooding.
- Increased vehicle emissions damaging to environment
- Field below development have been regularly flooded and high water velocity noted.

Notifications of COMMENT on the application received from 1 household raise the following issues:

- No details provided of foul water infrastructure.
- A pumped sewage system would be unsustainable in terms of the energy needed to run and maintain it.

2. Other Relevant Responses/Issues

WDC Housing

Summary: *One response (received 6 December 2022)*

NO OBJECTION

This response is provided having regard to the Wealden Local Plan 1998, Core Strategy 2013, Affordable Housing Delivery Plan 2016 and National Planning Policy Framework (NPPF) 2021.

The National Planning Policy Framework 2021 requires that affordable housing is sought on major development sites. For sites outside the AONB, this is defined as sites where 10 or more units will be provided or where the site has an area of 0.5 hectares or more. As the proposed development is for up to 210 dwellings, an affordable housing contribution is required.

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

Policy AFH1 of the Affordable Housing Local Delivery Plan 2016 requires a 35% affordable housing contribution. The Application acknowledges this by proposing up to 74 units of affordable to be provided on site.

There is now a requirement from the Government that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. This is a low-cost affordable home ownership product whereby homes are sold by the developer at a capped price for the initial sale and are discounted by a minimum of 30% of the open market value for future sales. The remaining units should be delivered in accordance with the proportions set out in local policies.

For a scheme over 50 units the tenure split would be as follows:

- 25 % of 74 affordable homes = 19 First Homes
- 40% of 74 affordable homes = 30 Social Rented
- 23% of 74 affordable homes = 17 Affordable Rented
- 12% of 74 affordable homes = 8 Shared Ownership

The proposed mix of units across the site has not been provided at this stage but the Design and Access statement indicates that a wide range of housing will be provided. An up-to-date breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants' require is set out below as well as the recommended mix for the affordable units.

Size of unit	Number of applicants	Percentage of register	Recommended percentage mix to be provided on site:
1 bedroom	297	50%	35% - 40%
2 bedroom	186	31%	35% - 40%
3 bedroom	92	15%	15% - 20%
4 + bedroom	22	4%	4% - 5%
Total	597	100%	100%

This is indicative of the overwhelming need for smaller properties although there is still a need for larger family homes. We would recommend for affordability purposes that 1 and 2 bed units are designated as First Homes properties and that the rented units include a mix of smaller homes as well as larger family sized accommodation.

In respect of the design of the units we would recommend that any 1 bed units are provided in a maisonette style with separate external entrances and that any 2 bed provision is through houses as opposed to flats which are difficult to let in the district.

Whilst this is an application for Outline permission, and the detailed mix, tenure and location will be determined at Reserved Matters stage, I would request that the applicant consults fully with the housing service before submission of the Reserved Matters application to ensure the mix provided reflects the needs of those on the Housing Register.

For: Planning Committee North
Date: 7 November 2024

In line with the National Planning Policy Framework 2021 and Policy AFH1 of the Affordable Housing Local Delivery Plan 2016, there is an expectation that the affordable units will be provided on-site. The Council can provide a list of Registered Providers to approach in respect of the affordable housing units.

It would be expected that any Affordable Units would be protected by way of a Section 106 legal agreement.

WDC Footpaths

Summary: One response (received 28 November 2022)

NO OBJECTION

The legal line of public footpath Framfield 65b abuts the north-western boundary of the application site.

From the information provided with this application, it appears that this public footpath will be unaffected by the new development and I would therefore have no objection to this planning application on rights of way grounds.

WDC Drainage

Summary: One response (received 28 November 2022)

NO OBJECTION

Flood Risk

The application site lies wholly within EA Flood Zone 1 (except possibly a very small area in Flood Zones 2 and 3 along the north-east boundary of the site) so the sequential test is met and the exception test is not required for this site. The site does not appear to be at risk from tidal, sea or fluvial flooding or from failure of a drainage asset such as a canal or reservoir. The majority of the site is at very low risk of flooding from surface water. There is a high risk area associated with the main river and two low – medium – high risk flow paths running across the site towards the main river. Groundwater was encountered at 2.5 m below ground level in a nearby borehole.

There is a main river – the Framfield Stream – running south-east to north-west immediately outside the north-eastern boundary of the application site. There is stated to be a network of ordinary watercourses forming the ditches along the existing field boundaries within the site. There are no ponds shown on the EA mapping within the application site, although there are several in the vicinity.

There are no records of flooding close to this location within this Council's land drainage database.

The Geological Map states that the part of the site adjacent to Cysleys Farm is on the Lower Tunbridge Wells Sand Formation of siltstones, mudstones and sandstones. The remainder of the site is on the Wadhurst Clay Formation of

mudstones. There are Alluvial Deposits of clay, silt, sand and gravel associated with the main river.

Surface Water Drainage

There are no adopted, public surface water sewers in the vicinity of the site so this method of drainage is unavailable.

Infiltration is the first recommended drainage method in the SUDS hierarchy but the underlying mapped geology of the site and the presence of watercourses and ponds on the surface nearby suggests that this may not be a usable solution for this site. The applicants have rejected this method and I would agree with this conclusion.

The site is divided into six catchments. The proposed solution in each is a conventional piped drainage system, plus some swales, taking roof and road water and conveying it to a retention pond. It would be sensible to line the ponds against possible groundwater. The need to pump the Catchment A pond to its outlet into the ordinary watercourse is noted and this will obviously have implications from the maintenance and cost point of view.

The ponds are ultimately all linked to outfalls into the ordinary watercourse within the site boundary, upstream of its junction with the Framfield Stream main river. Further information on the condition and capacity of this ordinary watercourse between the most upstream outfall and the main river will be needed in due course to show that it can cope with the flows.

The existing ordinary watercourses on site (which the Flood Risk Assessment & Outline Surface Water Drainage Strategy indicate may be carrying highway water and water from an adjacent restaurant car park) should be retained throughout the site.

I would wish to know what is being done to address the surface water flow paths across the site, beyond the generalities of paragraph 6.2, especially the one towards the southern end and would expect to see this and other exceedance flows addressed at the next stage of the planning process.

In considering the drainage principles proposed for the site, the Lead Local Flood Authority, ESCC, will require full detail in the drainage calculations used to design the system and Wealden, as the planning authority, would support this request. The calculations should prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus the latest climate change guidance issued by the EA on 10 May 2022.

No information on maintenance activities for the surface water drainage system or on who will undertake these for the lifetime of the development has been provided and this will be required at the next stage of the planning process.

For: Planning Committee North
Date: 7 November 2024

Notes

Any new outfalls to an ordinary watercourse will require Ordinary Watercourse Consenting from the Lead Local Flood Authority, over and above any planning permission which may be granted.

Conclusion

In my opinion, the information provided within this application is adequate for this application. If you are minded to allow planning permission, I would wish to see the following conditions applied namely:-

“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. Provide a full management and maintenance plan for the development, particularly the existing ditch network, which shall include the setting up of any necessary company to secure the operation of the scheme throughout its lifetime.
- iii. Supply full hydraulic calculations to the correct level of climate change (40%), to the satisfaction of the Lead Local Flood Authority.
- iv. Provide evidence by means of a photographic survey or similar that the receiving watercourses are 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.”

WDC – Conservation and Design Officer

Summary: One response (received 23 January 2023)

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

OBJECTION on first consultation response. NO COMMENTS received on second re-consultation

Heritage considerations

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990) (thereafter referred to as The Act). The site lies within the setting of several listed buildings including Cysleys Farmhouse, Brook House, and Upper Brook House Farmhouse (Grade II); and Framfield Place (Grade II*) and associated stables (Grade II).

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 relates to planning and conservation areas and requires that Local Planning Authorities pay special attention. In this instance, the application site also lies within the wider setting of the designated Framfield Conservation Area (the FCA). The Draft Conservation Area Appraisal for Framfield has been published on the Council's website, and although it has not been through formal consultation and can be afforded limited weight, the document provides the most up-to-date considerations of the character of the conservation area as designated in March 2017.

The requirements of The Act are reinforced by the National Planning Policy Framework 2021 (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular, requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 200 of the NPPF states that significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. Paragraph 189 of the NPPF states that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

It should be noted that the Courts have held that 'preserve' means an absence of harm. The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a material consideration in the assessment of planning applications and as part of the balance exercise and in ascertaining if any public benefits would outweigh that harm. This national policy intent is addressed by 'saved' Local Plan Policies EN1, EN19 and EN27; Core Strategy Policy SP02; as well as Chapter 12 of the Wealden Design Guide.

Issues for consideration

The heritage issue for consideration is the impact of the proposed development on the significance of heritage assets. The NPPF glossary defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or

historic and it may derive '*not only from a heritage asset's physical presence, but also from its setting*'.

The proposals

Development of land for up to 210 dwellings along with associated infrastructure and landscaping at Land north of Eastbourne Road, Uckfield. The site presently comprises @13.61ha and comprises a mix of arable land and woodland located on the southern slopes of a valley side. The boundary of the site is not delineated on the ground. Cysleys Farm perimeter around 50m to the south is denoted by post and rail, with the buildings comprising the farmstead visible from the site. In the wider context to the north is Framfield village and the FCA, including Framfield Place and associated parkland. To the east is Brookhouse Lane and associated isolated development; and to the west is the edge of Uckfield.

Heritage considerations

Section 66 of the Act makes clear that the decision maker when considering the grant of planning permission shall have special regard to the desirability of preserving the building or its setting, a matter the courts have given considerable importance and weight and this is reinforced by paragraph 206 of the NPPF. In keeping with statutory requirements special attention has also been given to the desirability of enhancing the character or appearance of the FCA and its setting. Any change will affect how the setting of a heritage asset is experienced, be that from the public or private domain. The resultant change to setting needs to be assessed as being either harmful (substantial or less than substantial); as making a positive contribution such as better revealing the asset or the understanding of the asset; or having a neutral contribution.

Historic England's *Good Practice Advice Note 3: The Setting of Heritage Assets* sets out the ways in which changes may affect how the setting of a heritage asset is experienced, be that from the public or private domain; notes that changes can be neutral, beneficial or harmful (substantial or less than substantial); and provides a five-step approach to taking decision on setting. GPA3 also makes clear that whilst the extent and importance of setting is often expressed by reference to visual considerations, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise and activity from other land uses in the vicinity, and by our understanding of the historic relationship between places. These aspects (increased vehicle movements, parking, activity and noise associated with use, lighting and light pollution, for example) as well as visibility of development all need to be addressed.

Cysleys Farmhouse is located @50m to the south of the application site boundary and has direct views across the valley to the north. It is acknowledged in the heritage statement that the land had a historic function related to the heritage asset. The views out from the farmhouse provided in the statement are from ground level and do not acknowledge the higher and more far ranging views from the building itself. There are also significant views towards the farmhouse from the PROW to the north on the edge of the parkland to Framfield Place. I

agree that the associated agricultural land forming the site allows the historic rural setting of the asset to be understood and provides views into the farmhouse. It is acknowledged that a small parcel of land to the north of the farmstead is outside of the site boundary and shown undeveloped, but the wider extent of development will alter the rural setting. GPA3 also makes clear that whilst visual considerations often express the extent and importance of setting, the way in which we understand an asset in its setting - be that from the public or private domain - is also influenced by experiential and environmental factors such as noise and activity from other land uses in the vicinity, and by our understanding of the historic relationship between places. Contrary to GPA3, the heritage statement focuses only on visual impact of the development, with no understanding of the kinetic or experiential attributes which contribute to setting; and with an over-reliance on existing levels of public accessibility. There is no awareness that the proposal will introduce public accessibility from the land itself and open up views and transitory experienced from and towards the assets, moving across the landscape with which they share an historic relationship. This is particularly relevant to the designated heritage assets.

Framfield Place is located within the FCA. The application site provides a positive contribution to the wider setting of the FCA, reinforcing the rural location of the village within the High Weald National Character Area. Framfield Place has not been identified in the heritage statement as having the potential to be sensitive to the development proposals. It is acknowledged within the document that the site was detailed on the Sales Particulars of Framfield Place estate from 1939. The land within the site has historic associations with both Framfield Place Estate and Cysleys Farm. In my view, the agricultural land would have played an important role in the setting of the parkscape and how it was appreciated and was incorrectly dismissed from further assessment as part of the heritage statement. The statement does not consider that the site forms any part of the setting that positively contributes to the asset due to lack of visual connections, spatial relationships or historic connections and this is clearly incorrect. In my view, the relatively tranquil experience of moving through the landscape associated with Framfield Place has the potential to be irreversibly altered by the noise, activity and visual qualities of the introduction of a modern housing estate to the south.

I note that the settings assessments were carried out in the summer months, with no real appreciation for potential effects of such large scale, and closely sited areas of development with regard to seasonal or diurnal changes, as well as the effects of topography in this location in particular. The LVIA shows the view from the edge of the Framfield Place parkland as View point 14. However, similarly to the heritage statement, the visuals are from the summer months and the application site is much more prominent in landscape in the winter. The PROW utilised for view point 14 also provides an appreciation of the parkland setting of Framfield Place to the north with glimpsed views available in the winter through to the Grade II* building. I agree with the LVIA that there would be a moderate adverse level of effect from the development during winter months upon completion and 15 years post completion still a moderate/minor adverse effect (LVIA Appendix C).

Framfield Place is located within the FCA. The application site provides a positive contribution to the wider setting of the FCA, reinforcing the rural location of the village within the High Weald National Character Area (NCA) and views out into the Low Weald NCA beyond to the south. Therefore, development of the area would not positively contribute to or better reveal the significance of the asset.

Turning to potential impacts on Brook House Farmhouse and Upper Brook House Farmhouse, although it is agreed that there is a lack of intervisibility with the application site, the wider impact of noise and disturbance to the area has not been explored nor how this could affect the appreciation of this rural and tranquil area which has a positive contribution to the significance of the listed buildings and provides the traditional setting.

Conclusion

Paragraph 206, the NPPF requires Local Planning Authorities to look for opportunities for new development within the setting of heritage assets to enhance and better reveal their significance. I do not consider that a proper understanding of setting and significance, and consideration of the wider relationships between the assets has been provided in the heritage statement. Taking into account my discussion above, I consider that there would be a less than substantial harm to the significance of heritage assets through the proposed development within their setting

In summary, the NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The NPPF also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. Where harm is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is not considered that any heritage benefits would arise from the present scheme, nor that planning conditions could be capable of sufficiently mitigating that harm. Therefore, it 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 one grade II* listed building and one grade II listed building, nor preserve and enhance the character and appearance of the FCA through development within their wider setting.

In summary, the National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. The NPPF at paragraph 199 states that great weight should be given to the conservation of designated heritage assets through an

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

understanding of the impact of a proposed development on their significance and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In addition, Paragraphs 130 and 206 of the Framework, aim that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment. The NPPF requires Local Planning Authorities at paragraph 206 to look for opportunities for new development within the setting of heritage assets to enhance and better reveal their significance, however it is considered that the proposed development would not make a positive contribution to better or reveal the significance of the heritage asset.

The introduction of built form in the position proposed would cause less than substantial harm to the significance of the designated heritage asset through inappropriately located development within its setting. Where harm is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use and this planning balance is for the planning case officer to consider. From a heritage perspective, it is not considered that there are heritage benefits that would outweigh the impact of the harm of the proposals to the significance of the designated heritage asset, nor that planning conditions could be capable of sufficiently mitigating that harm. Therefore, it would not satisfy the aims of the National Planning Policy Framework in that regard.

Woodland Trust

Summary: Three responses (received 14 February 2024, 12 June 2023 and 27 January 2023)

NO OBJECTION moving from objection

Third Response

We have reviewed the revised plans and are pleased to note that it is no longer proposed to locate a SUDs basin within the ancient woodland buffer zone. As such, we can now withdraw our remaining objection to this application, with regards to impacts of the development on ancient woodland.

Previous Consultation Responses

Full details are available on the Council's web site, available here:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=159828&AspxAutoDetectCookieSupport=1>

WDC – Arboriculture and Landscape Officer

Summary: One response (received 1 July 2024)

The area of primary interest was where the proposed works intersect with the existing TPO – in this case T28, T30 and T32 would be affected (all A/B cat Oaks within the TPO). As previously noted, proposed works to these trees will involve

For: Planning Committee North
Date: 7 November 2024

RPA encroachment (in most cases into existing hard surfaced areas) from the construction of a retaining wall in order to avoid regarding/significant level changes within RPAs.

There is a request at para 6.2.1. of the AIA to clarify the extent of the coverage of TPO 2022/0004. Whilst the plan was hand drawn, I can confirm that the intention was to protect trees only located within the private ownership of the land parcel associated with ESX242274. The extent of the TPO therefore should not extend at any point onto Highway owned land.

WDC – Biodiversity Officer

Summary: *No response received*

WDC/Rother – Pollution Control

Summary: *One response received 4 January 2024*

NO OBJECTION subject to Conditions

The following reports have been considered:

- Preliminary Risk Assessment by RSK, reference 52404 R01 (01), dated May 2022 (Potentially contaminated land)
- Noise Screening Report for Proposed Residential Development at Land North of Eastbourne Road, Uckfield, Reference SCU/JM/GM12270/ 001 by Wardell Armstrong, dated 28th September 2022
- Air Quality Assessment by Wardell Armstrong, dated October 2022, reference job number GM12270

Potentially Contaminated Land

The preliminary risk assessment is satisfactory and Environmental Health agrees with the conclusions. A suitable condition is recommended.

Noise, ventilation and overheating

The Noise screening report is acceptable. Noise sources that should be assessed include road, commercial (including any plant at the restaurant) and entertainment (football club games etc).

A BS4142 assessment may be required for restaurant plant noise and the Sports England (AGP) Planning guidance 2015 may need to be applied regarding noise from the football pitch.

Overall, the layout of the properties should be designed so that the agent of change principle as per paragraph 187 of the NPPF is complied with.

It is currently unclear whether Air Source Heat Pumps (ASHPs) are going to be integrated into this development. However, even though Environmental Health supports the move to green technology, with respect to ASHPs there are always

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

concerns about noise. This is because some can be noisy, especially if they are not positioned carefully and also because the background noise levels at this location might drop to very low levels at night. It wouldn't be surprising if background noise levels drop towards 20dB(A) in some parts of this development site.

Therefore, the integration of ASHPs into the development should be carefully considered so that they do not cause noise issues and complaints.

A suitable condition has been recommended to address the issues around noise, ventilation and overheating all of which are inextricably linked, especially with the introduction of ADO (overheating).

Air Quality

The Air Quality report is acceptable. However, it is noted that the report is dated October 2022 and since that time, Approved Document S (eV charging infrastructure) has been published. Additionally, many developments are moving away from boilers (even low NOX boilers) to Air Source Heat Pumps.

The introduction of both eV charge points and ASHPs in such a widespread manner would help to mitigate any damages to air quality. It should be noted that both measures are outlined as mitigation measures in the current version of Sussex Air Guidance.

Additionally, the costs associated with the widespread introduction of such measures will probably be greater than the damage cost calculation as per Sussex Air Guidance.

Similarly, if other measures are also introduced as implied, such as improved active travel routes into the town centre, there will be several measures within the development to help offset any damage to local air quality.

As some of the above is still uncertain, to ensure that air quality mitigation measures are fully considered, a suitable condition is recommended

Pre-Application Matters

The applicant undertook a pre-application meeting in May 2022 for development of up to 250 dwellings.

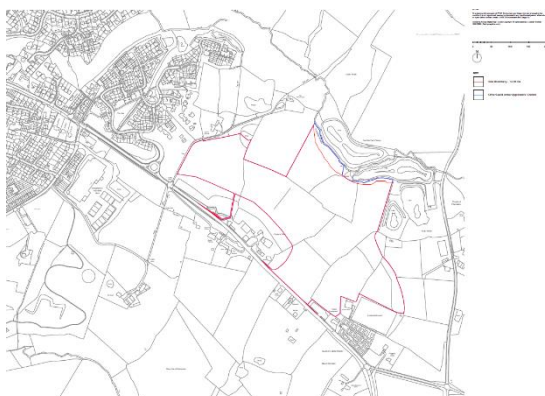
3. Relevant Planning History

Application No.	Description	Decision and Date
T/1955/202T/F	Residential development	Refused 18 August 1955

For: Planning Committee North
Date: 7 November 2024

4. Details of Case

The Application Site



The 13.65ha application site is agricultural land consisting of eight field parcels and an area of woodland located to the south-east of Uckfield, north of Eastbourne Road. A public right of way runs along the northwestern boundary of the site and further north west is the Fernley Park development approved and constructed as one of the allocation sites under the Wealden Non-Statutory Local Plan. A series of lakes as Framfield Park Fishery lie immediately to the north with agricultural land beyond. Cysleys Farm buildings form part of the south-western boundary with a restaurant and caravan park to the south. AFC Uckfield ground is located adjacent to the south-eastern corner of the site.

The Development Proposals

This application seeks planning permission for up to 145 dwellings with public open space, landscaping and sustainable drainage system (SUDS) vehicular access points and provision for SANGS (Suitable Alternative Natural Green Space). All matters are reserved except for access.

In addition to the forms, certificates and plans that accompanied the outline application, the following supporting documents have been submitted:

- Planning and Affordable Housing Statement
- Socio-Economic Benefits Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Ecological Impact Assessment
- Arboricultural Assessment
- Heritage Statement
- Preliminary Risk Assessment Phase 1: (Desktop Site Investigation)
- Soils and Agricultural Quality
- Flood Risk Assessment and Outline Surface Water Strategy
- Utilities Statement
- Energy Statement
- Waste Minimisation Statement
- Air Quality Assessment

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

- Noise Screening Report
- Transport Assessment
- Interim Travel Plan
- Statement of Community Involvement

The following additional information has been submitted and re-consultations carried out:

- Non-Motorised User Assessment;
- Various Transport Notes
- Transport Assessment Addendum
- Appendix H Reptile Report
- Appendix G Hazel Dormouse Surveys
- Appendix F: Great Crested Newt Surveys
- BNG Intermediate SANG and BNG Final with SANG
- Ecological Impact Assessment
- Appendix E Breeding Bird Survey Report
- Appendix K Shadow Habitats Regulation Assessment
- Landscape and Visual Appraisal
- Heritage Statement
- Amended SANG Plan and Development Framework Plan
- Footway Widening Plans and Sections
- Arboricultural Assessment – Carriageway and Footway Alignment
- SANG Framework Management Plan

Environmental Impact Assessment

With regard to the Environmental Impact Assessment Regulations 2017 (as amended), the development proposed falls within Schedule 2 category, 10(b) - urban development project. A screening opinion has not been sought. The Council has assessed the proposed development against the selection criteria of Schedule 3 of the 2017 Regulations.

The Council determined that subject to the quantum of development proposed and a comprehensive landscape strategy the proposed development would not be out of context with its existing environment. The proposed development would have no significant impact upon relevant natural resources and any waste, pollution or hazard associated with the development scheme can be effectively controlled by conditions. The Council is satisfied that the development of this site will not cause any significant loss of valuable agricultural land, will not impact upon any area of flood protection and will not compromise or undermine any acknowledged asset of natural, ecological, heritage, landscape or cultural value within the site's vicinity. To conclude, considering the nature, scale and location of the proposed development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby listed building as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact.

The Council concluded that an Environmental Statement would not be required.

Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)
- Wealden Design Guide 2008 (Supplementary Planning Document).
- Herstmonceux Neighbourhood Plan 2019.
- Hailsham Neighbourhood Plan 2021.
- Hellingly Neighbourhood Plan 2021
- Wadhurst Neighbourhood Plan 2024
- Ninfield Neighbourhood Plan 2024
- East Hoathly with Halland Neighbourhood Plan 2024
- Horam Neighbourhood Plan 2024

The Council is proposing a new Local Plan for the period to 2040. Consultation on the Plan ran from 17:00 Friday 15 March 2024 to 17:00 on Friday 10 May 2024. In line with paragraph 48 (and, but not limited to 226) of the NPPF, Local Planning Authorities may give weight to emerging policies in the circumstances set out by Government. If weight is to be afforded to any emerging policies then the requirements of paragraph 48 would be fully set out and explained.

Relevant Policies

The National Planning Policy Framework (NPPF) December 2023 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 8, 10, 11, 12, 47, 49, 50, 55, 56, 57, 60, 66, 77, 96, 102, 108, 109, 114, 115, 116, 117, 123, 128, 131, 135, 136, 139, 165, 173, 174, 175, 180, 186, 188, 189, 191, 195, 203, 205, 206, 208, 224 and 226 of the NPPF.

Transitional provisions of the NPPF confirm that policies within the adopted Wealden Local Plan 1998 saved under the Planning and Compulsory Purchase Act 2004 continue to form part of the Local Plan.

- Policies WCS4, WCS7, WCS12, WCS13 and WCS14 and Spatial Planning Objectives SPO1, SPO2, SPO3, SPO7, SPO9, SPO10, SPO11, SPO12, SPO13 and SPO15 of the Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016.

- Saved Policies GD2, EN1, EN2, EN8, EN14, EN27, EN29, HG5, HG6, HG7 DC17, TR3, TR13, TR16, LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.

The Development Plan

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016. In addition, the Waste and Minerals Local Plan ((February 2013) and the Waste and Minerals Sites Plan (February 2017) were adopted by East Sussex County Council and form part of the statutory development plan, although not relevant to this particular application. Neighbourhood development plans when adopted by Wealden District Council, also form part of the statutory development plan and at the time of writing this includes the Herstmonceux Neighbourhood Plan (July 2019), the Hellingly Neighbourhood Plan July 2021, Hailsham Neighbourhood Plan, Ninfield Neighbourhood Plan 2024, East Hoathly with Halland Neighbourhood Plan 2024 and Horam Neighbourhood Plan 2024. None of these are relevant to the current application.

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

Housing Land Supply

Paragraph 77 of the NPPF requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 of the NPPF apply.

Paragraph 226 of the NPPF sets out criteria where, for a period of two years from the date of publication of the NPPF published on 19 December 2023, an authority only needs, for the purposes of decision-making, to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable) against either its housing requirement figure or as in the case of the Council, against local housing need as the strategic policies are more than five years old instead of a minimum of five years as set out Paragraph 77 as appropriate.

On the 15 March 2024, the Council launched its public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012) on the draft Local Plan. As required by paragraph 226 of the NPPF, this emerging plan includes both a policies map and proposed allocations towards meeting identified housing need. From this date, in accordance with the terms of paragraph 226 of the NPPF, until December 2025, the Council is required to demonstrate a four-year supply of housing land, not the normal five-year housing supply requirement.

For: Planning Committee North
Date: 7 November 2024

The Council's Housing Land Supply (HLS) position statement provides the current position in relation to the Council's housing requirement and land supply, including the housing land supply position as of 1 April 2024 under the current National Planning Policy Framework (NPPF) (December 2023). As of 1 April 2024, there are 6,328 (net) dwellings on identified sites that are considered available, suitable and available now for the five-year period, which is some 788 (net) dwellings less than the 7,116 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to a supply of 4.45 years. The Council has a 4-year housing land supply requirement in line with paragraphs 77 and 226 of the NPPF.

The Government published a new NPPF for consultation in July 2024 that proposes to remove paragraph 226 of the NPPF and to re-establish the requirement for all local planning authorities, regardless of local plan status, to continually demonstrate a five-year housing land supply position. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The new NPPF is only emerging policy at this stage and therefore for the purposes of considering this application the provisions of paragraphs 77 and 226 of the December NPPF still apply.

The 4yr housing land supply position and its impact on the consideration of this application in terms of the presumption under para 11 of the NPPF is set out in the Principle of Development below.

Principle of Development

The application site lies outside of the development boundary for Uckfield as defined in the adopted Wealden Local Plan 1998 Proposals Map 53. Policies within the development plan resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites) as set out in saved Policies GD2 and DC17 of the Wealden Local Plan 1998 but also in national guidance through the NPPF. The supporting text of Paragraph 5.91 to Policy DC17 sets out the range of special justifications for allowing development outside development boundaries. The proposed application does not comply with any of these exceptions, nor does the site qualify as a Rural Exceptions site under Policy WCS9 of the Core Strategy Local Plan 2013. The application site which lies in open countryside therefore conflicts with Policies GD2 and DC17.

The development boundary for Uckfield was retained as the town has been categorised as a District Centre. However, policies GD2 and DC17 are "out of date" in the context of the 2013 Core Strategy Local Plan which is the more up to date plan, aimed at guiding development up to 2027 as opposed to 2004 in the 1998 Plan. The CSLP in Paragraph 1.1 states that it *"is the key policy document which sets out how the places and communities within Wealden will change up until 2027"*. Paragraph 3.6 of the CSLP indicates that development boundaries may be moved where housing growth indicates that it will be required which would be undertaken as part of the Site Allocations DPD. This is formalised by

Agenda Item 6

For: Planning Committee North

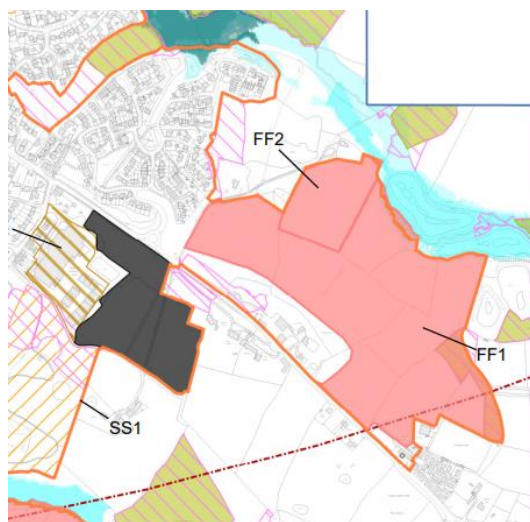
Date: 7 November 2024

Policy WCS6, which advises that retained or new development boundaries will be reviewed as part of the Delivery and Site Allocations DPD as appropriate.

The adopted CSLP clearly accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required and also clearly identifies Uckfield as a suitable location for development with Policy WCS4 allocating land for around 1,000 homes and some 12,650 sq. metres net employment floorspace and education provision as an extension to the urban area to the west of New Town (SD1).

Whilst this growth is not yet fully built out and relates to the Strategic Growth Area (and indeed is based on housing growth that does not represent full objectively assessed housing need) policy WCS4 postdates the 1998 Local Plan and has identified land in this part of Uckfield as being required for outward growth. This is part of a spatial strategy that recognises the need to breach the 1998 settlement boundaries in order to deliver the housing and community needs of the town. Thus, the scheme's location outside the settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

Furthermore, whilst only very limited weight can be given to the emerging Local Plan at this stage, it is noted that the application site is indicated as a proposed development allocation (FF1) within the proposed extended development boundary for Uckfield, where the Regulation 18 Plan proposes an allocation of 350 homes.



Proposed allocation in Draft Local Plan

Paragraph 11 of the NPPF requires that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11(d) is explicit that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, the NPPF requires that permission is granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (habitat sites, SSSIs, AONB etc.) 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 this Framework taken as a whole.

WCS14 of the WCSLP is also clear that decisions should apply a presumption in favour of sustainable development. This reflects the provision under NPPF. Policy WCS14 similarly states where the most relevant policies are out of date consent should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or where specific policies in the framework indicate consent should be refused.

The Council can demonstrate in excess of a 4 year housing land supply, which would be a sufficient housing supply figure under para 226 of the NPPF (having concluded a Reg 18 consultation) and therefore the relevant policies are not to be regarded as being out-of-date as a consequence of the housing land supply position (footnote 8 to Paragraph 11(d)). This however, is not the only consideration relating to whether or not the policies are out of date. It is accepted that the strategic housing policies and development boundaries in the WCSLP and WLP (GD2 and DC17 of the WLP and WCS1 and WCS2 of the WCSLP) are out of date given the age of the Local Plan policies coupled with the significantly lower housing need figures those policies were based on.

In relation to 11d(i) as assessed in the body of the report there are no policies in the NPPF that provide a clear reason for refusing the development (those set out under footnote 7) and as such the para 11d(ii) is engaged providing the need for the harm of the development to significantly and demonstrably outweigh the benefits to be in conflict with the NPPF.

The harm and benefits are set out within the body of the report under the planning balance exercise carried out. The conclusion is that the harm from the development does not significantly and demonstrably outweigh the benefits, and the ability for RM applications to address general development control matters satisfactorily such that the proposal would be sustainable development when assessed against the NPPF as a whole under para 11d(ii) and under Policy WCS14 of the WCSLP.

Prematurity

Paragraph 49 of the Framework requires that two tests are met before a refusal of planning permission could be justified on grounds of prematurity:

- (a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan and
- (b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to state:

“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

Taking these points in turn:

- (a) The scale of the development proposed for up to 145 dwellings is undoubtedly classified as a major development. However, in the context of the housing requirements for the District as a whole, it is not considered to be significant or excessive in scale, having regard to the fact the Core Strategy Local Plan 2013 has already considered Uckfield as being capable of accommodating further development. The new local plan will have to contemplate significantly higher housing requirements.

The Strategic Housing and Economic Land Availability Assessment February 2024 (SHELAA) assesses the suitability, availability and achievability of all sites that were submitted to the Council up until 31st March 2023 for development.

The findings of the SHELAA do not pre-empt or prejudice any decision that the Council may make in the future on any particular site and does not alter any existing policies or land use designations as set out in an adopted Local Plan or ‘made’ Neighbourhood Plans. All judgements concerning the allocation of sites for housing development will be made through the statutory plan-making process. So far, this has included further work testing the suitability of the sites identified within this SHELAA process and has included processes such as the SA/SEA, the site selection process and the Habitats Regulation Assessment (HRA) as well as testing sites with infrastructure providers. Such testing has been produced in support of the draft Regulation 18 new Local Plan. Further testing will take place as the plan moves towards the Regulation 19 stage. The application site (Reference 028/1410) was considered suitable for housing development in the February 2024 SHELAA (145 homes).

Plan showing whole extent of submitted site		Site Reference: 028/1410
		Settlement: Uckfield
		Parish: Framfield
		Address: Cysleys Farm, Eastbourne Road, Uckfield
		Suitable for housing: Yes Suitable for employment: Yes Site available: Yes Site achievable: Yes Site Conclusion: Deliverable
Delivery Yr 1-5: 100		Delivery Yr 6-10: 45
Delivery Yr 11+: 0		Total Capacity: 145

For: Planning Committee North
Date: 7 November 2024

It is considered that having regard to test (a) under paragraph 49 of the NPPF, a grant of planning permission for up to 145 dwellings would not undermine the plan making process for the new Local Plan by predetermining decisions about the scale, location or phasing of development that are central to it.

Having regard to the early stage of the local plan, it is not necessary to consider test (b) under paragraph 49 of the NPPF

It is therefore concluded that permitting the development is in compliance with the NPPF regarding prematurity.

Consideration of Statement of Heritage Significance

The application is supported by Heritage Statement. and considers the archaeological potential of the application site and the likely impacts of the currently proposed development upon the archaeological and built heritage resource

The site does not lie within an Archaeological Notification Area. The archaeological assessment indicates that concludes that the potential for the site to contain archaeological remains of all periods, from the prehistoric to modern era, is low. Having regard to the local discoveries made at the Ridgewood site and historical maps of the application site, the County Archaeologist considers there is the potential for groundworks to expose buried archaeological cut features, structures, deposits and artefacts of prehistoric and Romano-British date and the below ground remains of the house and garden recorded on the 1841 tithe map. The County Archaeologist has confirmed that he is satisfied that a programme of archaeological works can be secured via a condition.

The site does not contain any designated heritage assets, such as World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields or Listed Buildings. The site lies within the setting of several listed buildings including Cysleys Farmhouse, Brook House, and Upper Brook House Farmhouse (Grade II); and Framfield Place (Grade II*) and associated stables (Grade II). The application site also lies within the wider setting of the designated Framfield Conservation Area as shown in the draft Conservation Area Appraisal for Framfield

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National Planning Policy Framework (NPPF), which at Chapter 12, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal

The Council's Conservation Officer consultation response identified harm to both Cysleys Farmhouse and Framfield Place as detailed in her consultation response earlier in this report. She also considers that whilst there is a lack of intervisibility between Brook House Farmhouse and Upper Brook House Farmhouse and the application site she considers the impact of noise and disturbance to the area could affect the appreciation of this rural and tranquil area which has a positive contribution to the significance of the listed buildings and provides the traditional setting.

The amended Heritage Statement finds that the proposed development would have a less than substantial harm at the low end upon Grade II Listed Cysleys Farmhouse, via an alteration to setting, and very minor less than substantial harm to the Framfield Place. The HS states that other assets have been assessed in accordance with Historic England's setting guidance, including Grade II Listed Brookhouse, Grade II Listed Upper Brookhouse, and the Grade II Listed stables associated with Framfield Place. It has been concluded that the significance of no other heritage assets will be harmed by the proposed development.

The amended Heritage Statement now also considers the impact of the site in relation to the character of the Framfield Conservation Area. *"It is agreed that the site makes a positive contribution to the significance of the Conservation Area through setting, and this contribution is considered to arise from its agricultural character, its relationship to Framfield Place and views out from the designation area. When taking into account all elements which contribute to the significance of the Conservation Area, it is evident that this contribution is only very small."*

The application site comprises agricultural fields located some distance to the south of the Conservation Area boundary beyond intervening land. Whilst there are distant views between the site and the edge of the Conservation Area due to the topography of the site and the wider landscape, officers do not consider the development of the application site would impact on the character of the Conservation Area.

There will be no physical impacts on any of designated heritage assets. The Council agrees that the proposed development would not cause direct harm to the fabric of the listed buildings, but that harm would result from the introduction of built form into a part of the identified assets' setting. This level of harm is considered to be in the spectrum of less than substantial harm. The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a material consideration in the assessment of planning applications and as part of the balance exercise and in ascertaining if any public benefits would outweigh that harm. Less than substantial harm does not equate to a less than substantial planning objection.

The NPPF sets out, at paragraph 208, that where a development proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The scheme would provide up to new homes, 35% of which would be affordable which would be a significant public social benefit. The development will provide construction jobs during the building of new dwellings and likely on-going multiplier effects on

For: Planning Committee North
Date: 7 November 2024

spending in/at local businesses and facilities. There would also be some ecological improvements made through the proposed planting and the areas of open space would be accessible to both occupiers of the development but also other residents in the surrounding area, these would comprise both environmental and social benefits.

Careful consideration will need to be given to the layout, design and landscaping of the proposed development on this site, including height and massing of buildings. The detailed design at reserved matters stage will seek to ensure that the juxtaposition of new development to the listed buildings is appropriate and minimises harm to its setting.

On balance, the public benefits of the proposal are considered to outweigh the less than substantial harm as set out under paragraph 208.

Loss of Agricultural Land

Paragraph 180(b) of the NPPF identifies that the economic and other benefits of the best and most versatile agricultural land (BMVAL) should be taken into account in planning decisions. Significant development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of a higher quality.

Annex 2 of the NPPF defines best and most versatile agricultural land, as land in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). For planning applications, specific consultations with Natural England are required under the Development Management Procedure Order in relation to BMVAL. These are for non-agricultural development proposals that are not consistent with an adopted local plan and involve the loss of twenty hectares or more of BMVAL. Natural England Technical Information Note TIN049 edition 2 advises however that the land protection policy is relevant to all planning applications, including those on smaller areas, but it is for the planning authority to decide how significant the agricultural land issues are.

The site is proposed as a housing allocation in the Draft Local Plan 2024. This plan is in its early stages having completed the Regulation 18 consultation in May; therefore limited weight is given to it. Nonetheless, it shows the site is considered suitable for development, notwithstanding the loss of agricultural land and any consequent impacts of the lack of availability of that land to agricultural businesses.

The applicant has submitted a report Soils and Agricultural Land Report. The agricultural quality of the land is primarily determined by wetness, slope gradient and depth/proneness to drought. Other factors have been assessed but do not affect the land grade. The report states that the site consists of land of grades 2 and 3:

- The Grade 2 land occurs in the north-east of the site and extends across 1.03 hectares (equating to 7% of the site). These soils were found to be variably affected by shallow groundwater, graded as having slight wetness

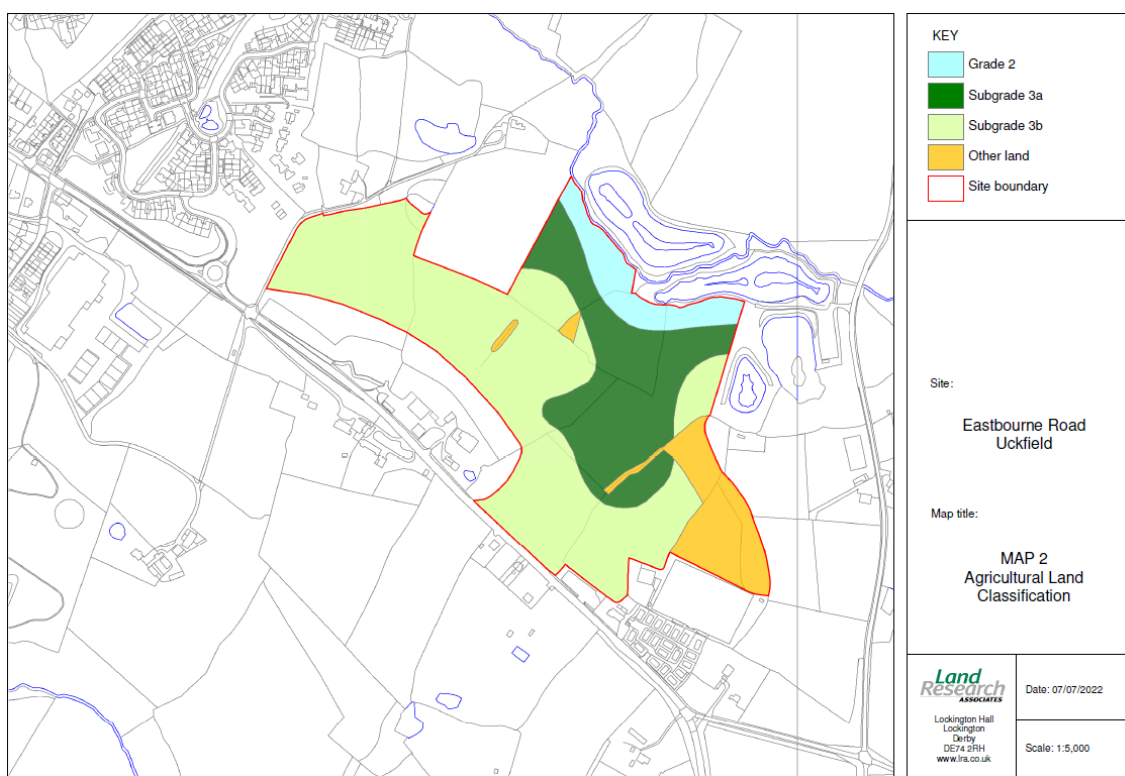
Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

limitations, and therefore likely to present some machinery access restrictions in winter

- Land classified as Grade 3a occurs on the mid-slopes in the north-east of the site and extends across 3.43 hectares (equating to 25% of the site). Imperfect drainage caused by underlying poorly structured layers means that safe machinery land access is likely to be restricted in winter and early spring under the local climate, although the land is usually sufficiently dry to allow late spring (as well as autumn) sowings.
- Land classified as Grade 3b extends across 7.94 hectares (equating to 57% of the site). and has poor to imperfect drainage. Under the local climate these combinations mean the soils are usually too wet for cultivation in spring, which mainly restricts arable use to autumn sowings. Also included are areas with slope gradients between 7 and 11 degrees in the centre of the site. These gradients limit the safe use of some cultivation machinery.
- The remaining 1.5 hectares comprises woodland.



Agricultural Land Classification

The majority of the site (68%) is not defined as BMVAL. The site is not, therefore, afforded the same level of protection in planning policy terms as BMVAL. The Council has indicated that, in meeting their housing need, it is likely that greenfield sites (which would include agricultural land) will have to be developed to meet existing and future housing needs. Paragraph 5.8 of the Core Strategy states “... in a rural area such as Wealden, where there is a limited supply of brownfield opportunities, it is inevitable that there will have to be a substantial use of greenfield land to meet existing and future housing needs”

Landscape Impact

The site and its wider landscape context are not subject to any national, local or other landscape designations.

The 2023 Landscape Sensitivity Assessment indicates that the site is moderately sensitive to residential development. The site lies within *“an undulating landscape associated with Framfield Stream, in an area of small to medium scale mixed pastoral and arable fields bound by hedgerows and with pockets of mature woodland, some of which are ancient”*

A Landscape and Visual Appraisal (LVA) has been submitted as part of the application, which assesses the potential landscape and visual impacts of the proposed development. The LVA concludes that the proposals have responded to the constraints of the site, including topography and views, while retaining the existing landscape features such as existing trees, hedgerows and woodland across the vast majority of the site

The site by virtue of development being on greenfield land will inevitably result in the irretrievable loss of open land and therefore will have a permanent landscape impact, which is accentuated by virtue of the topography of the site. Concerns regarding the loss of a greenfield site and agricultural land and the impact on countryside is understood, and whilst limited weight can be given to the emerging plan, this site is proposed as a housing allocation in the draft plan for development.

The application is in outline form with all matters reserved other than access. As such, detailed landscaping proposals for the site are reserved for later consideration, not least until the layout is fixed.

Trees, Woodland and Ecology

Paragraph 186 of the NPPF states that *“When determining planning applications, local authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

An Ecological Impact Assessment has been submitted as part of the application; this assesses the potential impact on ecology of the proposed development. Various ecological surveys have been undertaken including an extended Phase 1 Habitat Survey and a range of protected/notable species surveys.

Most of the site comprises species-poor semi-improved grassland split into field compartments enclosed by hedgerows. There is broadleaved Ancient Woodland (W2) and mixed woodland (W3) on the east of the site, and a small area of broadleaved woodland (W1) in the centre. There are two areas of marshy grassland and a small patch of scrub in the north of the site and one marshy area along the north-eastern boundary. With the exception of the Ancient Woodland, the habitats are considered to be no more than local importance being common and widespread habitats in East Sussex.

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

There are five stand-alone trees on the site that are not associated with hedgerows, four of which are mature pedunculate oak and one young hawthorn.



Existing Habitats

There are 26 hedgerows within the site. All hedgerows consist of 80% native woody species and are Habitats of Principal Importance (NERC Act S41). Hedgerows H6 (along the northern boundary) and H16 (to the south of the site abutting the adjoining restaurant car park) were found to provide high to very high conservation value primarily as a result of their tall structures with little or no gaps, dominated by mixed native species and multiple mature and young standards present, species included pedunculate oak, alder and willow. The development proposals will not affect these hedgerows.

Hedgerows H3, H4, H5, H7, H8, H10, H11, H12, H14, H17, H24 and H25 are of moderately high to high conservation value, again largely due to their tall structures with little or no gaps, most of which are dominated by mixed native species including hawthorn, hazel and ash with some of them being bordered by a ditch. Of these hedgerows only H4 will be impacted by the development where some loss will occur to provide access to the development parcel on the western side of the site.

The remaining hedgerows are either moderate (H13, H15, H18, H20, H21, H22, H23) or low (H1, H2, H9, H19, H26) conservation value.

Hedgerows H5, H7, H20, H21, H23, and H24 are classified as important under REGS (1997) due to the presence of dormice, a protected species under Schedule 5 & 8 Wildlife and Countryside Act 1981. H10 was also important due to the presence of seven woody species, on average, in a 30m length. The development should not impact on these hedgerows (and therefore dormice).

For: Planning Committee North
Date: 7 November 2024

habitat) as they are sited along the edge of the proposed SANGS to the north and east of the site.

The site is used by eleven species of bats for commuting and foraging. Trees with roosting bat potential are scattered throughout the site and will be retained.

The Arboricultural Assessment confirms the removal of approximately 45m of hedgerow (H18) to facilitate the vehicular access into the site. It is proposed that new hedgerow planting will be provided along the site frontage, set back from Eastbourne Road which will allow the phased removal of the remainder of the existing hedgerow over a period of time. By moving the hedgerow away from the highway, this will reduce the need to regularly maintain the roadside hedgerow in the future and thereby ensuring visibility splays are retained. This also provides the opportunity for the planting of a hedgerow of higher quality.

The removal of a category C tree will also be required to allow the reinstatement of this frontage for new tree planting. New tree planting along the same road will create a visually attractive appearance to the development.

The site supports a low population of reptiles and a population of hazel dormice. The breeding bird species are typical of the habitats present on site, with suitable nesting opportunities provided within hedgerows and woodland.

The submitted documentation sets out a range of measures recommended by the ecologist to ensure that no protected species are harmed and to minimise ecological impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures it is considered that the development will not result in significant adverse effects to biodiversity. Indeed the Ecological Impact Assessment indicates that the proposals will lead to “mid to long term minor beneficial effect at a local level”.

The findings of the Ecological Assessment are accepted and it is considered that a planning condition can ensure the necessary mitigation and enhancement works are undertaken at the appropriate time. The development would accord with planning policies with regard to nature conservation and biodiversity enhancement.

Ancient Woodland

Ancient woodland is a valuable biodiversity resource both for its biodiversity of species and for its longevity as woodland. Local and national policy and guidance is clear that ancient woodland is an irreplaceable habitat and proposals should not result in its loss or deterioration. Saved Policy EN13 of the 1998 Plan states that the Council will resist development proposals that involve the clear felling or otherwise prejudice the ecology of Ancient Semi-Natural Woodlands. SPO1 of the Core Strategy indicates that the Council will seek to protect and enhance recognised biodiversity assets and seek to ensure that the distinct landscapes of the District, including those not nationally designated, are managed and enhanced. Policy WCS12 of the Core Strategy seeks to prevent a net loss of biodiversity, ensure a comprehensive network of habitats, and ensure habitats,

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

biodiversity features and ecological networks are maintained, restored, enhanced and where possible created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas.

Standing Advice in relation to planning applications affecting ancient woodland is provided by Natural England and the Forestry Commission. This sets out that there must be wholly exceptional reasons to approve development which would lead to the deterioration of ancient woodland. The guidance doesn't define deterioration but it does include a list of direct and indirect effects that they consider can lead to it. It advocates the use of buffer zones which can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:

- scale and type of development and its effect on ancient woodland, ancient and veteran trees
- character of the surrounding area

but is clear that as a minimum, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

The proposed SANGS borders the existing Ancient Woodland. Buffers have been provided in accordance with Standing Advice and features which previously encroached into the buffer have now been removed. A condition is recommended to secure details for the protection and planting of this buffer. The Woodland Trust have withdrawn their previous objections relating to impact on the Ancient Woodland

For: Planning Committee North
Date: 7 November 2024



Location of Ancient Woodland

Impact on Neighbours

A condition is recommended relating to the submission of and adherence to a Code of Construction Practice Plan to address concerns raised by local residents relating to the impacts during the construction process

Detailed design will ensure that development is set back from existing residential properties and appropriate buffer/screening provided were required

Affordable Housing

The development includes provision for 35% affordable housing which is policy compliant with Policy AFH1 of the Affordable Housing Local Plan. This will be secured through the legal agreement.

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

Custom and Self Build

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

Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically, the Act makes provision for Local

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and the Council is required to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period (this comes from Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended)).

The NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that are suitable for housing. So, whilst there is no development plan policy in play, there is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. In this current case 5% of the number of dwellings secured would be 7 custom or self-build plots would, in part, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a consideration given that there is evidence of unmet need for serviced plots in the District.

Traffic Impact and Access

Site Access

The proposed site access will be off Eastbourne Road via a new priority junction with a right turn lane located centrally along the southern boundary of the site. The access has a 3m footway on the north and 2m footway on the south side to connect to the existing network, a ghost right turn facility and pedestrian refuge on its north-western side. ESCC Highways have confirmed that appropriate visibility splays are provided. Highways note that there is a need for management of site boundary vegetation to ensure that sightlines are not obstructed by overgrowth, which could be ensured through the imposition of a condition. However, it is noted that the supporting Arboricultural Impact Assessment refers to the removal of 45m of the existing hedgerow along this southern boundary, with replacement hedgerow planted further back to ensure visibility splays remain unobstructed. The RSA identified six problems in relation to the new access, as set out fully in ESCC Highways consultation response to the front of this report. These points have either been addressed through subsequent submissions such as swept path analysis or will be addressed through the detailed design as part of the technical approval process/S278 agreement.



- The northernmost pedestrian access will be via the existing vehicle access west of existing fitness club; and
- The southernmost access will be provided adjacent to the proposed new vehicular access.

Wider Highway Impact

The Addendum concludes that the junction capacity analysis has demonstrated that, two of the eleven junctions assessed, the High Street/New Road/ Framfield Road/Bridge Farm Road and High Street / Bell Lane Signal Junctions are already operating above capacity in the Base Case scenarios. Whilst the results have shown the PRC increasing slightly as a result of the proposed development, the impact is not considered to be severe. The junction capacity analysis has also demonstrated that the remaining eleven junctions surveyed all operate within theoretical capacity in future AM and PM peak scenarios.

Page 79

junctions in the town centre. This is considered justifiable and will be secured through the legal agreement. However, ESCC Highways request for a condition to restrict any occupation of the development until these Town Centre works are completed is unreasonable having regard to the limited impact that would arise from the development and that the developer has no control over the timetable for the design and implementation of these works. Unlike the Bird-in Eye appeal where this was deemed acceptable, as the majority of trips from that development would have been funnelled through the town centre, this application site has direct access to the A22 without the need to go through the Town Centre.

Having regard to Paragraph 115 of the NPPF the development would not have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal.

Suitable location - Accessibility

ESCC Highways have objected on the grounds that *"The site remains in an unsustainable location to support active travel modes, for reasons relating to excessive walking distances to regularly required destinations, and unsuitable cycling routes towards the town centre. As such the site remains a car reliant proposal, though with appropriate mitigation would be accessible by public transport."*

The town of Uckfield is located to the west of the appeal site and offers a good choice of shops, restaurants, a train and bus station and other services. The Interim Travel Plan supporting the application sets out the approximate walking distances from the centre of the site to various facilities in and around Uckfield, as an example, the distance to Uckfield Town Centre High Street is 1.8km (23 min) walk. The Institute of Highways and Transportation (IHT) provides guidance on desirable walk distances in their publication 'Providing for Journeys on Foot' which recommends suggested acceptable walking distances of between 500m (6 minutes, "Desirable") and 2km (25 minutes, "Preferred Maximum") for commuting and journeys to school. The site would therefore be 'walkable' but not within 'easy' walking distance. It also follows that Uckfield is also within cycling distance of the development although there are no formal cycle routes within the Uckfield area.

In their consultation response ESCC Highways commented: *"It is evident that experienced cyclists are not deterred from using roads which support higher speeds than 30mph, though encouraging new users to cycle is likely to be challenging where speeds are 40mph+ the site is a convenient cycling distance from regularly travelled local amenities such as the college and commercial centre but without an attractive route which accords with LTN 1/20 [Eastbourne Road has speed limit 40mph]. The recent construction of the development site on the south side of Eastbourne Road adjacent to Ridgewood Industrial Park has a route to low speed/traffic environments and emerges onto Lewes Road where speed limit is 30mph. Though not ideal, and not necessarily direct, it may be a preferred route. As far as active travel from this site can be accommodated, walking distances are not convenient but cycling would be if there was a suitable*

For: Planning Committee North
Date: 7 November 2024

available route. An objection on this is maintained, and the LPA would need to consider on balance the level of weight this is given on the basis that public transport and walking can be accommodated.”

Cycle routes could be provided within the application site (details at reserved matters application) which means cyclists could leave the site at the northern most exit which is a short distance away from the 90 unit Eastbourne Road development, to which Highways did not object to on grounds of lack of suitable routes for cyclists.

Of particular relevance to this application is the appeal decision relating to the land at Bird-in Eye, South of Burd in Eye Hill, Framfield, Uckfield. (APP/C1435/W/22/3307820. Similar to the circumstances of the Bird in Eye appeal site where there was a proposed pedestrian /cycle link, the walk/cycle into Uckfield from the Cysleys Farm site would be improved by the proposed scheme to accommodate a footway link between the existing Cysleys Farm access (by TBH Fitness) across Eastbourne Rd with a uncontrolled crossing with refuge, and reconstruction of footway on the south side of Eastbourne Road so that a 2m wide footway is provided to connect to the footway by the Barratt’s site on the south side of Eastbourne Road, east of Ridgewood Industrial Park, which is currently under construction. ESCC Highways have accepted the proposed scheme which will be secured through the legal agreement. The three points highlighted in the Road Safety Audit (RSA) can be addressed through the technical approval process. Like the appeal site, the Cysleys Farm site *“would still not be an easy walk/cycle save for reasonably fit persons and would be particularly difficult, for example, for people laden with shopping, accompanied by children or with mobility issues”*. Paragraphs 51 and 52 of the appeal decision are particularly pertinent to this site as on both sites ESCC Highways objected on the grounds that the development is not in a sustainable location:

“51. The proposed pedestrian/cycle link, however, would place persons travelling from the development in close proximity to a bus stop which currently provides a regular service through the day, and on weekends, to Uckfield and other nearby centres. This bus stop would, furthermore, be upgraded as part of the proposal with bus shelters and a real-time passenger information system. In addition to this funding would be provided to secure the bus service for a further three years. A Travel Plan could also be secured to promote sustainable transport modes.

52. Overall, therefore, I consider the development is in a suitable location in terms of accessibility as it would limit the need to travel and offer a genuine choice of transport modes in line with the Framework para 105. On this basis I find no conflict with Policies EN1, EN2, TR3 and TR13 of the LP, and Spatial Planning Objectives SPO7 and SPO15, and Policy WCS7 of the CS which require development to be located efficiently in relation to existing development and to public transport, the provision of safe and convenient pedestrian routes which link to the existing footpath network, and the provision of suitable public transport infrastructure.”

Paragraph 109 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making. The Bird-in Eye

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

appeal decision was clear that whilst the pedestrian and cycle route would not offer easy walking or cycling options, the key consideration related to the proximity of the bus stop, in combination with the proposed works to upgrade the bus stop and funding to secure the bus service for a further three years. The Inspector considered that these measures offered “*a genuine choice of transport modes in line with the Framework*”

The Inspector’s decision on the appeal at Land at Old Nursery House, The Street, Framfield (Ref APP/C1435/W/22/3301104) similarly recognised that whilst the services and facilities to meet day to day needs at Uckfield would be within generally reasonable cycling distance of the appeal site, the relatively narrow and unlit sections of the B2102, meant that cycling would be unlikely to be an attractive option to all but the most confident cyclists. Importantly having regard to the location of bus stops to the site combined with a financial contribution towards the enhancement of bus services, the Inspector considered “*that bus services would offer future occupiers a realistic alternative to the private vehicle for at least some trips. I am satisfied that there would be opportunities for future occupiers of the site to access services by sustainable travel modes....*”

ESCC Highways acknowledge in their consultation response that “*the proposal can provide appropriate localised infrastructure to support public transport usage and footways to connect to them, realistically on a wider scale it is questioned how many residents are likely to walk or cycle between the site and local amenities to a level that would support the travel plan objectives.*” Equally with regard to the weight given to their objection relating to provision for cycling, the Highways Authority acknowledge that “*the LPA would need to consider on balance the level of weight this is given on the basis that public transport and walking can be accommodated*”

Having regard to the points set out above, refusal on the grounds of improved provision for cycling is not considered a justifiable reason for refusal that could be sustained on appeal.

Car Club and Travel Plan

The proposals include the provision of up to three electric vehicle car clubs on site, with an offer already provided by Hiyacar. As such, approximately one electric vehicle car club per 50 dwellings will be offered, which is considered to provide significant encouragement for residents to use such a facility. Further, measures are also set out in the Interim Travel Plan to encourage sustainable travel, such as car sharing, which provides additional opportunities for future residents to access services sustainably.

Illustrative Development Framework

The application proposals are in outline. Details of appearance, landscaping, layout and scale are reserved for future consideration at which time detailed plans would be required to be submitted as part of a Reserved Matters application, therefore the merits of the illustrative layout as submitted are not considered in this report. However, the original development framework plan submitted for the 210 dwellings and the amended development framework plan

For: Planning Committee North
Date: 7 November 2024

as now proposed, shows that the development parcels have been pulled back significantly from the northern and eastern part of the site to protect the Ancient Woodland and reduce the landscape and visual impact within the wider landscape.



Development Framework as originally submitted for 210 dwellings

For: Planning Committee North
Date: 7 November 2024



Development Framework as now proposed for 145 dwellings

The amended application seeks approval for up to 145 dwellings on the site. Having regard to the original Illustrative Masterplan for 210 units, the ability to accommodate the 145 units on-site will be dependent on the proposed unit mix with a greater number of flats or smaller units as opposed to larger detached properties currently indicated on the proofing layout.

Open Space

The NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Policies LR1, LR3 and LR5 of the Wealden's Local Plan and Policy WCS13 of the Core Strategy set out the requirements for open space. Policies LR3 and LR5 set specific policy expectations for open space provision in new developments. In summary, these policies require:

- The seeking of adequate outdoor playing space to be provided in towns and villages in the District in line with National Playing Field Association's standards (LR1).
- New residential development of 30+ homes must provide 0.6-0.8 hectares of children's play space per 1000 population (0.2-0.3 hectares should be equipped). The play space should well designed and located within the site. Contributions towards future maintenance are also required (LR3).
- All new large residential development must provide informal amenity space in addition to the required children's play space (LR5).

For: Planning Committee North
Date: 7 November 2024

Policy WCS13 of the Core Strategy Local Plan requires all new residential development where appropriate to make provision for new or enhancement of existing open space.

All residential development of 30 or more homes are expected to make a contribution towards open space either on-site, off-site or through a financial contribution. The outdoor playing space requirements are based on Draft SPG Outdoor Play Space which requires a figure of 24sqm per occupier, broken down into 17sqm for youth and adult, 4.5sqm informal children's play and 2.5sqm for equipped children's play space.

The development will be required to accommodate casual informal and equipped play space on site. Having regard to the illustrative masterplan submitted in support of the original application for the 210 units, albeit that the numbers have now reduced, it will not be possible to accommodate the required youth and adult recreation space on-site and therefore a financial contribution will be secured through the legal agreement.

Suitable Alternative Green Space (SANG)

The Ashdown Forest Special Protection Area (SPA) is located in the High Weald of East Sussex and covers an area of 3,207 hectares. Together with the nearby Wealden Heaths SPA and Thames Basin Heath SPA, the Ashdown Forest SPA forms part of a complex of heathlands that support breeding bird populations of European importance, in particular the nightjar and Dartford warbler. The Ashdown Forest SPA is also a designated Special Area of Conservation (SAC) because it contains one of the largest single continuous blocks of lowland heath in South-East England with both European dry and North Atlantic wet heath. The SAC designation covers an overall area of 2,729 hectares. The Ashdown Forest SPA is also designated a Site of Special Scientific Interest (SSSI).

Members will know that together with Strategic Access Management and Monitoring (SAMMs) and SANGs are used to mitigate the effect of development in close proximity to the Ashdown Forest. They are used within a zone of influence around the Forest, stretching from 400m and out to 7kms. Within 400m it is not possible to permit new residential development. Beyond 400m and up to 7km, SANGs and SAMMs are used, in collaboration with Natural England, to manage development.

SANGs are a strategic tool and offer an alternative recreational option in order to avoid pressure in the Forest. There are two in the District, one nearby at Horsted Park and the other is in Crowborough off Walshes Road. More SANGs will be required if the Council is able to support further growth in the emerging Local Plan. The 2024 Habitats Regulation Assessment sets out on a Parish basis the residential sites that are proposed to be allocated in the 7km mitigation zone surrounding the Ashdown Forest SPA. All dwellings in the 7km zone will require SANG mitigation, either through delivery of bespoke SANG (i.e. integrated in the site fabric) or contribution to a strategic SANG.

The application site falls within the 7km zone of influence of the Ashdown Forest. A SANG is proposed within the application site to mitigate for the recreational

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

effects on the Ashdown Forest. Having regard to the SANG guidance, this SANG needs to be at least 2ha, and of a size proportional to the new dwellings and number of new residents. This is calculated as 8ha of a SANG for 1000 population increase. This scheme will deliver up to 145 new dwellings, which works out as approximately 348 new residents and will require a 2.8ha of SANG. This scheme proposes 7.44ha of SANG, which is an over delivery of 4.64ha, with the credits available to mitigate other developments that cannot meet their own SANG requirements. The proposals include the provision of a car park to the west of the SANG relating to the 4.6 hectare overprovision in the SANG.



Proposed SANG

The SANG Management Plan that accompanies the application indicates that to ensure the long-term viability of the SANG as a public open space, the management of the site will be offered to WDC. If the Council does not wish to take on the site, an alternative arrangement such as a management company or charitable body will provide the management of the SANG area in perpetuity. These provisions will be secured through the legal agreement and will include provision for “step in rights” for the Council in the event the SANG is not being managed properly as required by Natural England.

A SAMMS payment will also be paid to fund the monitoring and maintenance works to Ashdown Forest.

Contaminated Land

The application is accompanied by a Preliminary Risk Assessment. The assessment identifies that the main historical feature which may affect the site with potentially contaminative land uses was a small centrally located open cast quarry on the site between 1875 and early 1900's. The assessment concludes that whilst the potential for significant and widespread contaminative impact is considered 'low', there remains a potential for localised impact. Most notably the potential for localised reworking of natural soils and or unknown fill material (if any) associated with the small historical open cast quarry. The report

For: Planning Committee North
Date: 7 November 2024

recommends intrusive exploratory works with supplementary laboratory testing, monitoring and subsequent risk assessment. It also recommends undertaking confirmatory level ground gas monitoring as part of any future intrusive exploratory work to confirm the 'low-ground gas generation' potentials assigned.

The historical quarry is now occupied by mature trees and hedgerows and therefore the report considers it likely that this area will be retained as future soft-landscaping. Having regard to this the risks posed by ground instability issues are considered 'low' negligible.

Pollution Control have confirmed that potential contamination can be appropriately controlled by condition.

Foul Water Drainage

A condition has been recommended that ensures any necessary upgrade works to local infrastructure are delivered prior to occupation.

Air Quality

The application is not situated within or adjacent to an Air Quality Management Area. An Air Quality Assessment has been submitted in support of the application. The assessment considered dust and fine particulate matter during the construction phase, and road traffic emissions during the operational phase. Risks of dust arising during the construction phase, would be addressed through the imposition of conditions to ensure works are carried out in accordance with best practice. For the operational phase assessment, the impact of the development is predicted to be negligible. Conditions have been attached in accordance with the recommendations of the Environmental Health Officer

Flood Risk and Drainage

The National Planning Policy Framework (NPPF) sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is referred to as the sequential test. The sequential test is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

Planning Practice Guidance (Flood risk and coastal change 25 August 2022) states at Paragraph: 027 (Reference ID: 7-027-20220825) that *"the sequential test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:*

- (1) *The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).*

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

- (2) *The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.*
- (3) *The application is for a development type that is exempt from the test, as specified in the NPPF*

The National flood risk standing advice for local planning authorities (23 August 2024) also provides advice on when the sequential test is needed: *“A sequential test is required for major and non-major development ...if any proposed building, access and escape route, land-raising or other vulnerable element will be:*

- *in flood zone 2 or 3*
- *in flood zone 1 and your SFRA shows it will be at increased risk of flooding during its lifetime*
- *subject to sources of flooding other than rivers or sea”*

The Standing Advice also indicates that a sequential test may not be needed *“if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding”*

This is standing advice from the Government's relevant executive non-departmental body and statutory consultee for this issue, directly linked from the PPG where the PPG looks at the sequential test and is the most recent guidance to be published on this matter.

The application site lies wholly within Flood Zone 1 and the risk of flooding from other sources is assessed as very low or low, with the exception of three areas of medium risk related to existing ditches and one area of high risk within the Ancient Woodland. All of these areas of medium risk are outside the proposed developable area and are within the proposed SANG which is classed as a water compatible use and the area of high risk is within the existing Ancient Woodland. Having regard to the most recent EA Standing Advice it is considered that a sequential test is not required.

For: Planning Committee North
Date: 7 November 2024



EA Flood Risk from Surface Water mapping

The developable area and the access road lies outside of the 1 in 1000 year fluvial flood extent. Existing surface water flow routes across the site will either be retained or incorporated into the proposed drainage system for the development.

All surface water runoff generated on site up to the 1 in 100 year climate change storm will be stored on site and discharged into an existing watercourse. Surface flows may be generated due to drainage capacity exceedance, which would be conveyed into the SuDS features via surface flows along the new roads.

ESCC LLFA and the Council's Drainage officer have provided comments on the flood risk and surface water drainage strategy at the site (the detailed comments are at the start of this report). They have no objections to the development and consider that the proposal is capable of managing flood risk effectively, subject to conditions.

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

Water Supply

Planning Practice Guidance states water supply would normally be addressed through authorities' strategic policies and therefore unlikely to be a consideration for most planning applications. Exceptions might include:

- large developments not identified in plans that are likely to require a large amount of water; and/or

Agenda Item 6

For: Planning Committee North

Date: 7 November 2024

- significant works required to connect the water supply; and/ or
- where a plan requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development.

None of the above exceptions are applicable to the application site.

Lighting

Having regard to the location of the development, lighting will need to be carefully controlled and has been conditioned to restrict lighting to levels appropriate to Environmental Zone E2.

Sustainable Construction

On 19 January 2021, the Government published its response to the Future Homes Standard Consultation. The response includes plans to radically improve the energy performance of new homes with all homes to be highly energy efficient with low carbon heating and be zero carbon ready by 2025. These homes are expected to produce 75-80% lower carbon emissions from 2021.

The Council's Climate Emergency Plan 20 December 2019 identifies actions that can be taken to respond to the Climate Emergency. These actions cover both things that the Council can do to reduce their own emissions, and things that the Council can influence across the District. Measures fall under four broad categories:

- To reduce heat and power demands in buildings through fabric efficiency improvements and behavioural change,
- Reducing vehicle use and/or mileage through behavioural change.
- Encouraging a modal shift in transportation along with the replacement of all existing petrol and diesel engine vehicles with low and zero emission vehicles.
- Ensuring that future development achieves a high standard of energy efficiency to minimise increases in fuel consumption including increased uptake of Low and Zero Carbon (LZC) technologies in buildings to reduce reliance on fossil fuels and pressure on utility infrastructure, improve security of supply, and mitigate against price fluctuations.

The plan highlights that Wealden District Council should proactively support such measures through its own planning policy and decisions, and take a proactive and positive attitude towards increasing the amount of Low or Zero Carbon (LZC) technology energy generation within the District as an important means of 'doing their part' on national electricity grid decarbonisation.

Saved Policy EN1 of the Wealden Local Plan states that the Council will pursue sustainable development with regard to the location, layout and design of development including renewable energy and the effects on the environment including air and water quality.

For: Planning Committee North
Date: 7 November 2024

A condition has been recommended that requires the submission of details for water and energy efficiency measures and sustainable construction for approval.

Other Issues

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

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.

Regulation 70 of the Town and County Planning Act provides general considerations for the determination of applications. It sets out that in dealing with an application for planning permission the authority shall have regard to any local finance considerations, so far as material to the application. Regulation 70 sets out that "local finance consideration" includes sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy. This detail is key and does make clear that CIL is relevant to this application as the improvements to meet highway capacity improvements will need to be secured by CIL. CIL is therefore, material to the consideration of this application by members of the planning committee and the delivery of the 65% market housing proposed in the application, which would be CIL liable. This CIL funding will also help meet the demands placed on education, health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development if planning permission is granted.

Habitat Regulations Assessment

The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

The application was screened and an appropriate assessment undertaken. The Appropriate Assessment Stage 2 concluded that, having regard to the conservation objectives of the European designations, and the implementation of

mitigation measures in the form of onsite SANG and financial contribution towards SAMM, the proposed development would have no adverse effect on the integrity of the European designations either alone or in combination. Therefore, no further assessment is required and proceeding to Stage 3 was not necessary.

Planning Balance

The scale and distribution of new housing, and the settlement boundaries designed to deliver the housing needed, are more than five years old and are being reviewed through the draft Wealden Local Plan. With the exception of Policies GD2 and DC17 of the WLP and Policies WCS1 and WCS2 of the WCSLP, all of the other relevant policies listed in this report are considered up to date. However, although the policies that are agreed to be up to date are more numerous, it does not follow that the relevant policies as a whole should be regarded as up to date. The policies that are intended to shape the spatial strategy (GD2, DC17, WCS1 and WCS2) are fundamental to what the plan seeks to achieve. As these policies are out of date it follows that the balancing exercise set out in Policy WCS14 of the WCSLP and Paragraph 11d(ii) of the NPPF are engaged.

Benefits of the scheme are assessed as follows:-

- (i) Housing Land Supply: The proposed development would bring substantial benefits in terms of contributions to housing supply and the provision of market (including custom and self-build units) and affordable housing (subject to the completion of a legally compliant s106 agreement) in the context of the Council's housing need and the Government's imperative to boost the supply of housing. This provision should be afforded significant social weight and is a substantial benefit of the scheme;
- (ii) Construction Jobs: There would be some contribution to economic growth through the provision of construction jobs, which can have acknowledged economic benefits along the supply chain. At a national level, the government is committed to securing economic growth through the planning system and confirms that significant weight should be placed on the need to support economic growth through the planning system. However, this is not unique as any similar development site would have associated construction jobs. Furthermore, these would be short-term benefits during the course of construction and there is no evidence to demonstrate that these will necessarily offer local employment opportunities. Therefore, this benefit is given limited economic weight and considered to be a neutral impact in the balancing exercise.
- (iii) Improved Local Spending: With regard to the weight afforded to the economic benefits of supporting the facilities and services within Uckfield Town Centre, it is agreed that the proposals will increase the population in the area with an associated spending profile. This is not unique as any similar development site has the potential to generate an increased workforce/trip generation with associated spend. Furthermore, for an established District Centre these benefits are not likely to make any difference to the viability of the services within the town. These benefits

are afforded limited economic weight and considered to be a neutral impact in the balancing exercise.

- (iv) Creation of Open Amenity Areas and Public Open Space: The provision of open amenity space, play areas and landscaping are positive social and environmental benefits, but they are directly and proportionately related to the quantum of development proposed in order to meet the spatial needs of the development, which would in any case be expected on any new major residential development. These social and environmental benefits are afforded moderate weight and are a moderate benefit in the balancing exercise.
- (v) SANG: More SANGs are required if the Council is able to support further growth in the emerging Local Plan. The 2024 Habitats Regulation Assessment sets out on a Parish basis the residential sites that are proposed to be allocated in the 7km mitigation zone surrounding the Ashdown Forest SPA/SAC. All dwellings in the 7km zone will require SANG mitigation, either through delivery of bespoke SANG (i.e. integrated in the site fabric) or contribution to a strategic SANG. This scheme proposes 7.44ha of SANG, which is an over delivery of 4.64ha, with the credits available to mitigate other developments that cannot meet their own SANG requirements. A new SANG here should therefore be given significant weight in the balance.
- (vi) Bio-Diversity and Ecological Enhancements: Biodiversity and ecological enhancements proposed within the development including creation of new habitat features and ecological mitigation, would positively contribute to the overall environmental sustainability of the application site. These are no different to those secured on any new major residential development. These environmental benefits are afforded limited weight and considered neutral in the balancing exercise.

Harms can be identified as follows:

- (vii) Impact on Town Centre: The proposal would impact on the operation of two junctions within the town centre that would need mitigating. There is no current area wide scheme, however the developer has agreed to pay a financial contribution towards mitigation works. Having regard to the level of impact on these two junctions arising from this development, the environmental impact against the proposal is considered to be a minor negative impact in the planning balance.
- (viii) Landscape impact: The loss of fields to development will have a permanent impact on the character of the immediate locality, but the change is not harmful to the wider landscape character, having regard to the Fernley Park development approved and constructed to the north-west under the Non Statutory Local Plan and the approval of 90 units (WD/2020/0410/MAO) on the development to the west which is currently under construction. These environmental impacts are considered to be a minor negative impact in the balancing exercise.

- (i) Loss of Agricultural Land: The site comprises a mix of grade 2, 3a and 3b agricultural land and woodland. The majority of the site (68%) is not defined as BMVAL. The site is not, therefore, afforded the same level of protection in planning policy terms as BMVAL. The grade 2 and 3a land is subject to issues that impact on the ability to use machinery at certain times of the year. The environmental impacts are considered to be a minor negative impact in the balancing exercise

To be clear, the heritage assessment requires a bespoke balancing exercise, separate from the main planning balance and so is not listed again here. Suffice to say that the appraisal carried out concluded that the public benefits of the scheme outweighed the harm to the heritage assets (identified to be at a less than substantial level).

In summary, the balancing of competing interests is judgement based. Overall, the proposed development does achieve the three objectives of sustainable development set out in paragraph 8 of the NPPF. The benefits, which would result from the proposed development, in particular the housing, would be substantial and are given significant weight in the balancing decision. There are no adverse impacts of the proposal that significantly and demonstrably outweigh the benefits of the development, therefore in the context of the NPPF Paragraph 11 and Policy WCS14 of CSLP, planning permission should be granted.

Planning Conditions

The planning conditions recommended by consultees have been assessed against the relevant guidance contained within Planning Practice Guidance and the Framework which requires that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

A condition is necessary setting out the plans subject to approval as part of this permission, to provide certainty. For the avoidance of doubt, this will include the 'Development Framework Plan' which, amongst other things, shows areas of the site for housing and associated infrastructure, and SANG. This is necessary as the recommendation for approval is based on this plan and the disposition of land uses.

Conditions relating to archaeology are necessary based on the findings of the submitted archaeology desk-based assessment, which shows low to moderate archaeological potential.

A construction management plan condition is required in the interests of the amenity of occupants of properties nearby and is required pre-commencement as it would cover the construction phase of the development. It also addresses mitigation necessary to prevent harm to the integrity of the habitats site.

Restriction on occupation of development is required until the foul drainage infrastructure is confirmed as having the capacity necessary to ensure the local

For: Planning Committee North
Date: 7 November 2024

network can accommodate the flows from the development and avoid potential issues of foul drainage flooding.

Drainage details are required pre-commencement as the approval of such details could fundamentally affect the layout of the development. These conditions are necessary in the interests of flood risk management and sustainable drainage. Details of management and maintenance of drainage features is also necessary for the same reasons.

It is not necessary to impose a condition requiring roads to be offered for adoption as this is not reasonable, as it would be determined through separate legislation. Details of car parking spaces and cycle stands are not necessary, as these elements would be assessed as part of the reserved matters. Conditions relating to the timing of the provision and retention have been recommended.

Conditions are necessary to ensure ecological mitigation is provided, and any further survey work recommended in the submitted reports is carried out.

A condition relating to artificial lighting is necessary to ensure biodiversity is not unduly harmed. A condition requiring energy efficiency measures is necessary in accordance with the development plan and Framework.

5. Conclusion

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

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

Whilst the proposed development would conflict with saved Policies DC17 and GD2 of the adopted Wealden Local Plan 1998, with regard to the development boundary, these policies are out of date. The site is proposed as a housing allocation site in the Draft Local Plan which has been subject to Regulation 18 consultation during March to May 2024 although little weight can be given to this as the emerging plan is in the very early stages of preparation.

Having regard to Policy WCS14 of the Core Strategy and the guidance contained within paragraph 11 of the NPPF, which advises that an application should be granted planning permission unless significant and demonstrable harm arising from the development can be demonstrated, no significant or demonstrable harm arising from the proposed development has been identified and therefore the application should be approved.

Subject to the imposition of conditions and the completion of a S106 agreement to secure the necessary and justifiable infrastructure works, financial contributions, SANG and affordable housing as recommended at the front of this report the proposal accords with the development plan as a whole and there are

Agenda Item 6

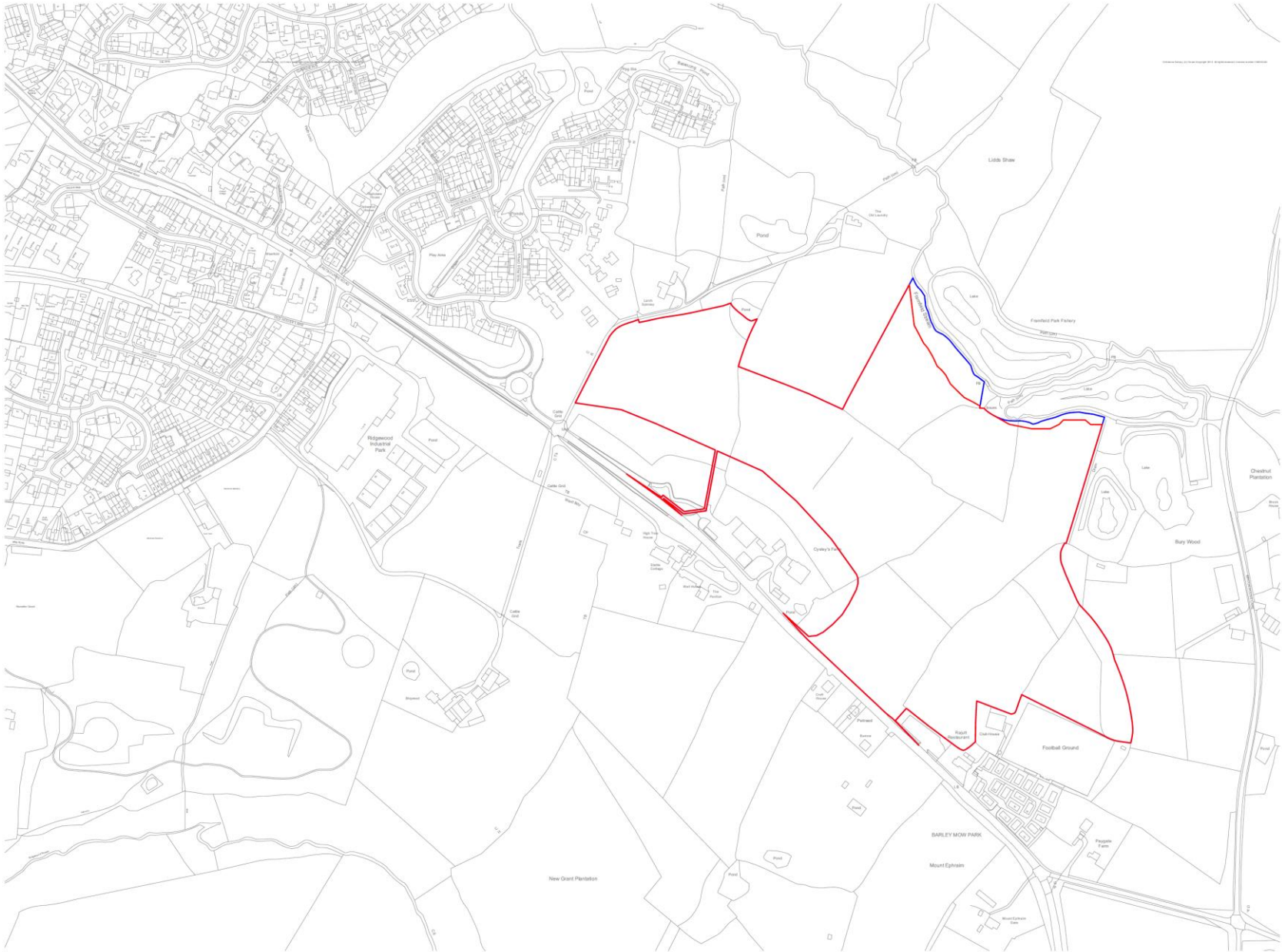
For: Planning Committee North

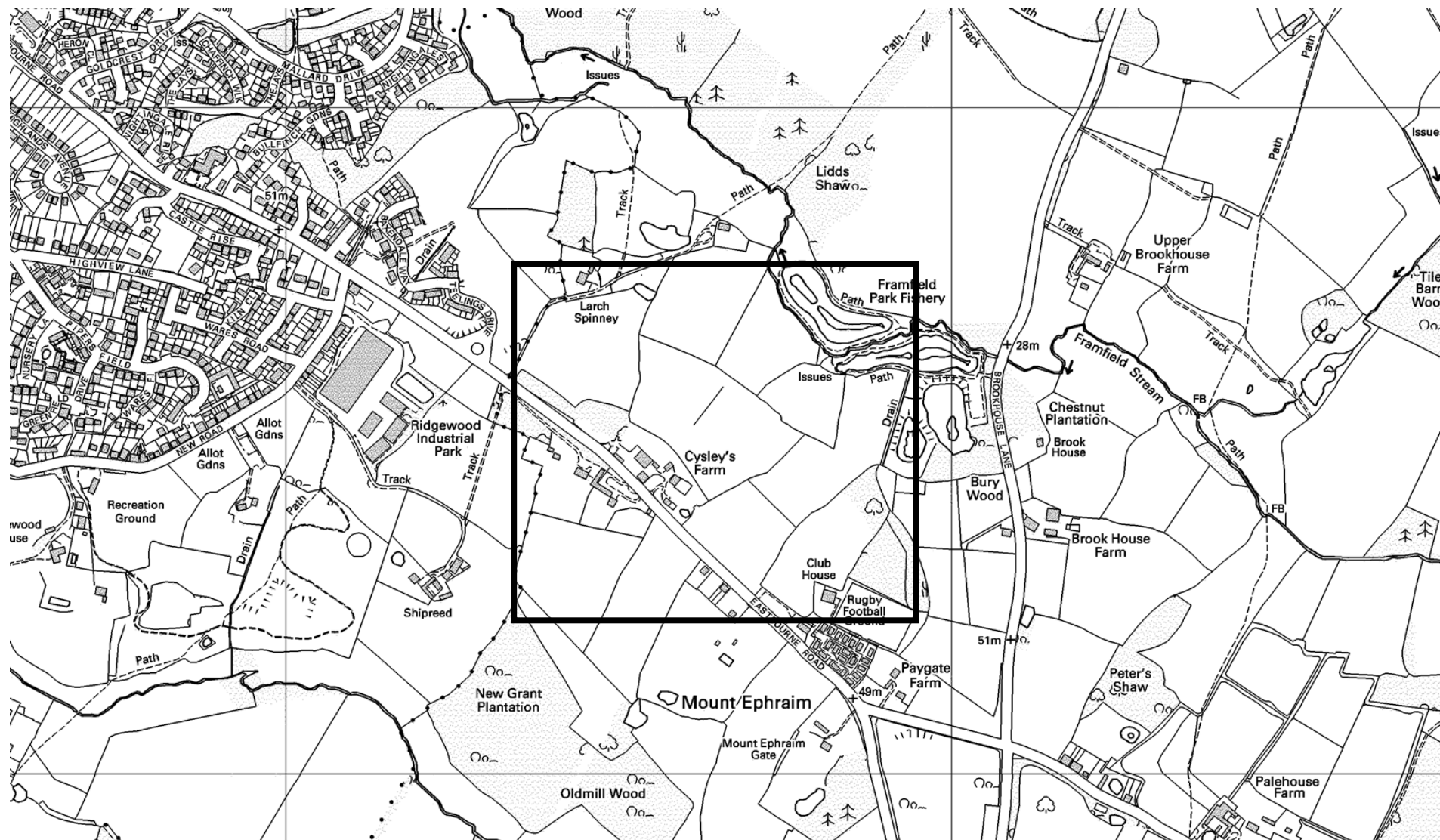
Date: 7 November 2024

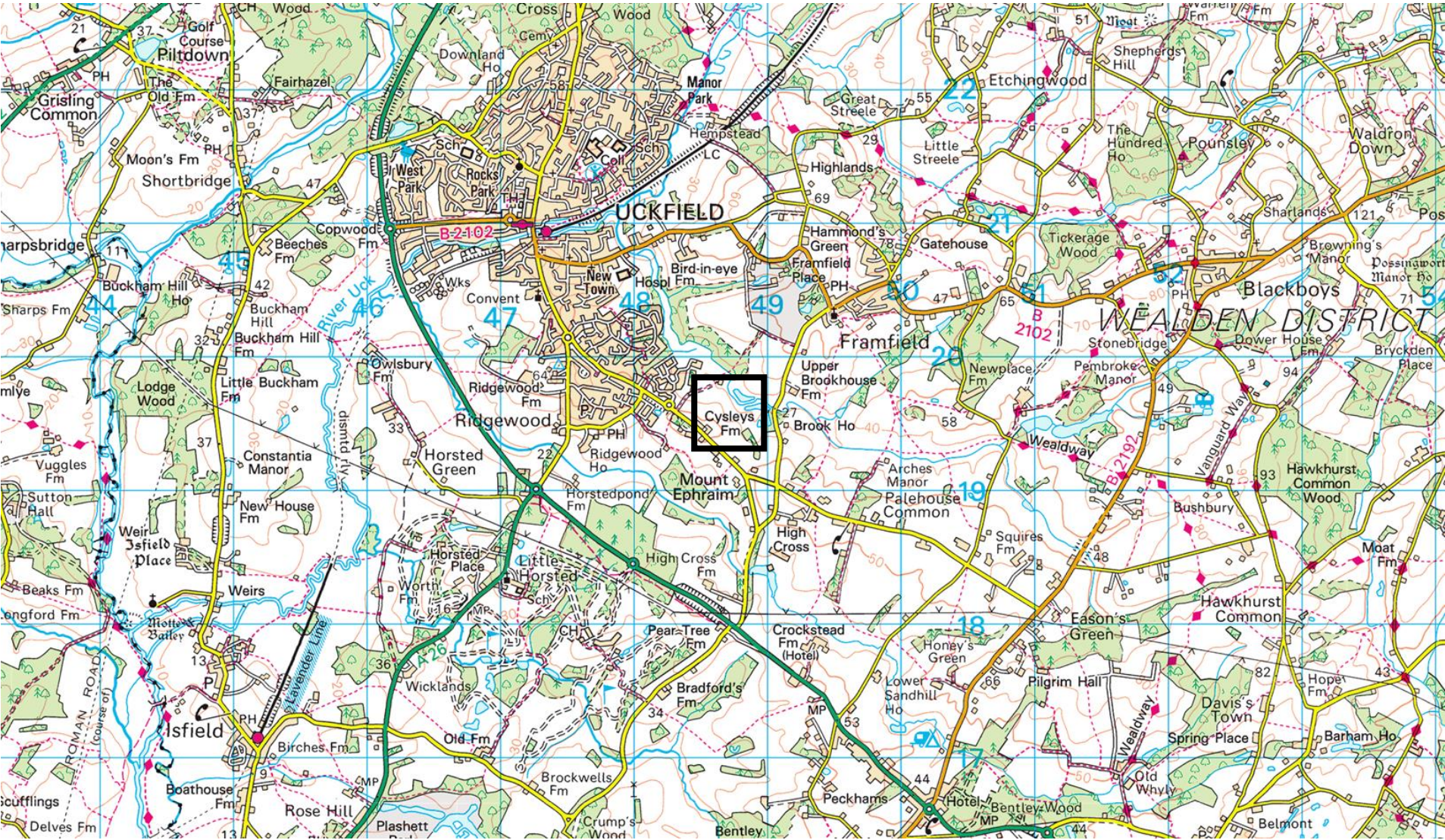
no other material considerations that indicate consent should be withheld.
APPROVAL of this application is recommended.

6. Contact points and references

Development Manager	Samuel Batchelor - Tel: -01892 602552
Case Officer:	Mrs C Turner, Principal Planning Officer (Majors) – Tel: 01892 602541
Ward Member:	Cllr Mrs A E Newton







This page is intentionally left blank