

For: Planning Committee North
Date: 18 April 2024

WD/2023/2157/MAJ - LAND NORTH OF THE A272, BUXTED, TN22 4BA

Summary of Proposal

Major Application - Full application for:-

ERECTION OF 49 NO. DWELLINGS, ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.

Received date: 16 October 2023
8/13 week date: 22 March 2024

Parish: Buxted
Ward: Buxted
Grid Ref: 549229 123460

Link to website:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=163172>

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

Recommendation

1. Completion of a Section 106 Agreement to secure the following heads of terms:

- A financial contribution towards SANGS and SAMMS
- 35% affordable housing provision
- 5% serviced plots for custom and self-build units
- Onsite open space and play space to be retained in perpetuity (with mechanism for off site contributions for youth and adult play space if it cannot be provided on site).

Highway requirements to include

- Improvements to the existing footway [to 2 metres where possible] on the north side of the A272 between Hurstwood Lane [to the west] and the White Hart public house [to the east] to provide connectivity to the Primary School, railway station and village facilities.
- Crossing points to reach proposed new east and west bound bus stops on the A272.
- Access proposals including partial closure of existing access to provide separate combined cycle/pedestrian access and any carriageway markings.
- New Bus stop infrastructure to provide two new bus stops on the A272 near the site (east and west bound) to include shelters, seating, new hardstandings, flag poles/timetables, kerbs and bus stop clearways.
- Bus stop clearway consultation contribution of £1,000.
- Travel Plan Statement.
- Bus Service/School Transport Contribution (to be agreed with ESCC as part of the s106 negotiations)
- s106 registration and monitoring fees
- Travel plan monitoring fee

Full planning permission BE GRANTED, subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of one year and six months beginning with the date on which this permission is granted. STD4A

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004

2. 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. 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.

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 in accordance with the programme set out in the Written Scheme of Investigation approved under condition (2)] to the written satisfaction of the Local Planning Authority. AR03(M)

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

4. 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:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles used 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),
- temporary diversion or protection of public rights of way
- arrangement of holding areas for construction vehicles
- details of public engagement both prior to and during construction works.

- a scheme for the control of noise and dust.
- measures to manage flood risk, both on and off the site, during the construction phase.

NOTE: All works shall ensure compliance with guidance found in British Standard ' BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites.

REASON: In the interests of highway safety and the amenities of the area, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

5. During the site preparation and construction phases no works or deliveries/removals shall be undertaken other than within the times Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays or Public/Bank Holidays.

REASON: To protect the residential amenities of the locality, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

6. 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.

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

The surface water drainage system shall incorporate the following:

1. Surface water discharge rates shall not exceed 7.3 l/s for all rainfall events, including those with 1 in 100 (+ 45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The details of the outfall of the proposed attenuation basins and how they connect to the existing drainage system should be provided as part of the detailed design. This should include cross sections and invert levels.

3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the attenuation 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 measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings.

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

8. 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.

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 of the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

9. Prior to occupation of the development, evidence (including surveys, as-built plans, site records and photographs as necessary) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

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

10. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and

hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

REASON: To prevent pollution of the water environment, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

11. The access shall not be used until visibility splays of 2.4m by 120m are provided in both directions and maintained thereafter.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

12. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

REASON: In the interests of highway safety and the amenities of the area, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

13. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in the position shown on the approved plan.

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 and Saved Policy TR3 of the Wealden Local Plan 1998.

14. No part of the development shall be occupied until pedestrian visibility splays of 25 metres by 25 metres have been provided either side of the proposed site vehicular access onto the A272 in accordance with plans and details submitted to and approved in writing by the Local Planning Authority as illustrated on plan No11723/2100P12.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

15. At road junctions a maximum "landing" gradient should be provided of 1 in 40 (2.5%) for the first 10 metres from the channel line of the major road.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to SPO12, SPO13 and

WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

16. Prior to the commencement of development hereby approved, detailed plans, including levels, sections and constructional details of the proposed road, surface water drainage, foul sewers, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, and such work as approved shall be carried out at the time of the development and thereafter so retained.

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 and Saved Policy TR3 of the Wealden Local Plan 1998.

17. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

18. The development shall not be occupied until cycle parking/areas/storage have been provided for the dwelling it will serve in accordance with the approved plans and retained thereafter. PC03

REASON: To provide for alternative modes of transport and to meet the objectives of sustainable development, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN1, EN27 and TR16 of the Wealden Local Plan 1998.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. CL04

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 SPO2, SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013.

20. Prior to commencement, the applicant shall undertake an Emissions Mitigation Assessment and an Air Quality Assessment in accordance with the guidance in the Air Quality & Emissions Mitigation Guidance for Sussex (2021). Mitigation must be agreed with the Local Planning Authority in the form of a mitigation statement that includes the elements required by the guidance document.

Informative: The intention of the air quality guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The applicant is required to include an emissions mitigation assessment, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors (at <http://laqm.defra.gov.uk/review-andassessment/tools/emissions.html>). Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. A development such as this can have a major influence on public behaviour. For example by providing electric vehicle charge points and/or separate electricity connection rated at least 32A and capable of taking at least a 7kW charge point in parking spaces and garages, residents and visitors can be assisted to switch to low emission vehicles. Additionally, charge points are much cheaper and easier to install during the construction phase rather than as a retrofit.

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

21. Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details. These details shall include proposed boundary treatments, proposed finished levels and contours, hard surface finishes, including samples (or schedule if agreed), details of any retaining walls, steps, railings, walls, gates or other supporting structures, car parking layouts, other vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. street furniture, play equipment, refuse and other storage units).

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

22. All planting, seeding and/or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner. LA01

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

23. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the landscape management shall be carried out in accordance with the approved plan for the lifetime of the development.
LA09(M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO1, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998.

24. The development shall take place strictly in accordance with the recommendations set out within the Preliminary Ecological Appraisal and Phase 2 Ecological Surveys (both authored by PJC Consultancy) and the Ecological Assessment and Ecological Assessment Addendum (both authored by Ecology Solutions). The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: In the interests of protecting and enhancing ecological features in and surrounding the site having regard to Saved Policy EN15 of the adopted Wealden Local Plan 1998 and SPO1, WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.

25. Before preparation of ground levels for the development hereby approved a landscape and ecological management plan (LEMP) for the ancient woodland shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;

- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

REASON: To preserve and enhance the ancient woodland on the site in the interests of the safeguarding of this irreplaceable habitat 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 and Chapter 3 of the Wealden Design Guide 2008.

26. 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 SPO1, SPO2, WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

27. Before construction above ground level of the dwellings hereby approved hereby approved, samples of materials to be used on the external surfaces of the development shall be made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing. The approved materials shall be used in the implementation of the development

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.

28. Notwithstanding the submitted details, prior to any works to provide the footpath to and around the southernmost WWII pillbox, a scheme shall be submitted to the Local Planning Authority to detail the proposed footpath location and

construction methods (inclusive of any changes in levels) together with drawn, photographic, and written records of the WWII pillbox, details of any repair or other works and appropriate scheme of interpretation (information signage). The submissions shall be approved in writing prior to the commencement of any works to or around the WWII pillbox and the approved scheme implemented and retained for the lifetime of the development.

REASON: To safeguard the historic fabric and the architectural character and appearance of the non-designated heritage asset having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013.

29. Before preparation of any groundworks or foundations for the dwellings hereby approved, a noise impact assessment considering road traffic noise from the A272 and noise from the Buxted WWTW shall be provided. If shown to be necessary full details of a scheme for the insulation of the residential units against the transmission of airborne sound shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first occupation of any dwelling and shall be retained thereafter. The proposed scheme shall incorporate measures to ensure that internal ambient noise levels do not exceed the guideline values in Table 4 of 'BS 8233:2014 Guidance on sound insulation and noise reduction for buildings' and that external noise levels in amenity areas of the development meet the design criteria for external areas (subclause 7.7.3.2 of BS 8233 refers).

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

30. All first floor windows on side elevations that directly overlook the rear garden(s) of adjoining properties shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level, and shall be retained as such thereafter. GL03

REASON: To safeguard the privacy of the occupiers of the adjoining property having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the adopted Wealden Local Plan 1998.

31. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note GN01/21 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 in the UK.

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

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN8, EN27 and EN29 of the adopted Wealden Local Plan, coupled with the requirements of the Wealden Design Guide, Chapter 3, Section 18; Chapter 8, Section 7.

32. The development shall take place strictly in accordance with the sustainable construction, sustainability measures and low carbon energy measures detailed within the Sustainability & Energy Statement date stamped 12 September 2023.

Before preparation of any groundworks or foundations for the dwellings hereby approved, a scheme to provide details of octave band sound levels and noise mitigation measures to limit the impact and demonstrate that all air source heat pumps (required by this condition) shall not be audible beyond the boundary of each individual premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include provision for post-installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority. The scheme shall be provided in accordance with the approved details before first occupation of the related dwelling.

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.

33. The development shall take place strictly in accordance with the recommendations and measures for tree protection set out within the Tree Survey Arboricultural Integration Report (Document Ref AR-4254-TSAIR-230808) authored by Quaife Woodlands. The development shall be carried out 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 and Chapter 3 of the Wealden Design Guide 2008.

34. No trees and/or hedgerows on the site, 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 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 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 and Chapter 3 of the Wealden Design Guide 2008.

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

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.

NOTE 1: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990. STN1

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. STN8

NOTE 3: This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site.

For: Planning Committee North
Date: 18 April 2024

NOTE 4: Any works to an ordinary watercourse will require Ordinary Watercourse Consent (OWC) prior to construction from the County Council as Land Drainage Authority. This is separate and in addition to the planning process. The Applicant should contact watercourse.consenting@eastsussex.gov.uk for OWC consent enquiries.

NOTE 5: 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 6: The upgrade works to the access on The A272 and new access to the A272 require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required.

The Local Highway Area office will need to be contacted prior to commencement of work on the access.

Western Area Office
The Broyle,
Ringmer,
Lewes,
East Sussex BN8 5NP
0345 60 80 193

The applicant is also 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. STN16

NOTE 7: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

NOTE 8: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

OR

2. 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 and ensure appropriate provision for affordable housing. Therefore, the proposal is considered contrary to saved Policies TR3 of the adopted Wealden Local Plan 1998, Policies WCS7 and WCS14 of the Core Strategy Local Plan and Policy AFH1 of the Affordable Housing Delivery Local Plan.

Reason for Referral

This application is being referred to this Committee as the scale of residential development proposed falls outside the Council's adopted Scheme of Delegation.

Executive Summary

The application site is currently an open arable field adjacent to the A272 in Buxted. The A272 includes a footpath along the site frontage that links the village to the primary school to the west, to the south of the A272 is Buxted park. The site has existing residential development to the southeast in the form of linear development which continues into the village centre. To the west, beyond the treed boundary of the field, there is residential development along the access to Harrock House. The site is outside of the adopted development boundary for Buxted, within the Low Weald Policy Area (1998 Local Plan). The application was advertised as a 'departure' application.

Heritage in the vicinity of the site includes Buxted Park which is a Grade II* Registered Park and Garden, Harrock House (Grade II* listed building) Linden House, The Mill House, and The Old Mill all of which are Grade II listed buildings, and Harrock House Lodge and two WWII pillboxes which are non-designated heritage assets. Buxted Park is a Site of Special Scientific Interest and Parsonage Wood comprises Ancient Woodland (outside of proposed developable area).

Full planning permission is sought for the development of part of the application site for the provision of 49 houses to include 35% affordable housing provision. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be 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 Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing.

The proposed development would provide 49 dwellings, 35% of which would be affordable (17 units), meeting the policy requirements of AFH1 and 5% (2 units) self-build/custom built units meeting an existing demand for such accommodation on the Council's self-build register helping the Council fulfil its statutory duties in this respect. In view of the Government's objective of significantly boosting the supply of homes, this would clearly be a benefit of the scheme. In the context of the lack of a five-year housing land supply, the proposed housing constitutes a significant benefit that weighs very heavily in favour of the development in the planning balance.

The development would provide a scheme which seeks to build upon the locally distinctive design of the area and seeks to mitigate harm to heritage and the landscape, by the use of planting, distances to boundaries and the consideration of the exiting build pattern. The scheme proposes the use of air source heat pumps and the proposed construction would offer a significant carbon reduction above that of current building regulation standards.

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

The benefits of the proposed development would significantly and demonstrably outweigh the benefits of the development proposal. Therefore, the presumption in favour of sustainable development is applicable.

In light of that, it is recommended that outline planning permission be GRANTED. This is subject completion of a legal agreement and the conditions set out in this report

1. Statutory Bodies and Residents - Responses

Highway Authority

Summary

Four responses received (8 December 2023, 13 March 2024, 18 March 2024 and 5 April 2024).

NO OBJECTION moving from objection due to insufficient information

Additional Response

This response relates to the additional amendments received direct from the transport agent GTA Civils on 19 March, 25 March and 3 April 2024. These revised documents include:-

Email response to highway comments by GTA Civils & Transport dated 19 and 25 March 2024.

Amended plan No. 11723/2101 revision P4 – Visibility and long sections

Amended plan No. 11723-2100 – P12 – Access plan including access vehicle tracking

Additional plan No. 11723/SK002 – P1 - Visibility on topographical survey.

These amendments relate to the remaining reasons for objection raised in the earlier highway response:-

2. *Insufficient vehicle tracking at the access point onto the A272 – two movements missing.*
3. *Cross sections of visibility given but doesn't demonstrate visibility through the hedge and doesn't adequately demonstrate that visibility is achievable. Also no clarification on dedication of visibility splays as public highway.*
4. *Insufficient detailed plans particularly for vehicle tracking has been provided for the access arrangement onto the A272.*
5. *Forward visibility for vehicles travelling west being able to see vehicles waiting on the A272 carriageway to turn right into the access has still not been demonstrated.*
8. *Visibility for vehicles turning left into the site from the west being able to adequately see pedestrians at the internal crossing point [where the internal pedestrian loop crosses the access road] has still not been addressed.*
9. *Further details for the proposed parking for the anglers still has not been provided.*
10. *Bus stops and bus service contribution has not been agreed*

All the issues have been addressed and thus the highway objection is withdrawn and highway conditions and section 106 requirements are sought at the end of this report.

Response

Points 2 & 4 - The access has been altered to provide a width of 6.5 metres together with 10.5 metres junction radii. Vehicle tracking has been satisfactorily provided for all four movements as shown on plan No. 11723/2100 P12.

Point 3 - I note that the chainage lines have been added to the additional plan No. 11723/SK002 P1 entitled "visibility onto topo". The plan still does not state the actual gradients at the point of the chainage lines. However, it would seem

that the gradients at the chainage lines correspond to the other levels on the plan quoted along the visibility splay lines.

Furthermore, the “topographical” plan appears to be the (already submitted) ground contours and levels plan. I have consistently sought a topographical survey to show the levels of the centreline of the A272 carriageway. This has still not been provided despite these levels being quoted on the plan 11723/2101/P4 entitled “long sections through visibility”.

However, I acknowledge that given the access was moved approximately 30 metres to the east and that the existing levels through the visibility have now been shown to be satisfactory the visibility is acceptable on the submitted plans.

Point 5- Forward visibility at the revised access location has now been satisfactorily provided and is therefore acceptable.

Point 8 – Pedestrian visibility splays of 25 metres has now been satisfactorily provided and the proposed tree removed. It should be noted that this visibility splay would entail the existing hedge being removed from this splay and replaced with grass verge. The landscape plans need to be revised to take into account the access and visibility revisions accordingly. It should also be noted that this splay along with the creation of the access and associated visibility will involve considerably more than the 20 metres of hedge loss quoted in the submitted application documents.

Point 9 – I previously noted that the Angler’s parking was to be increased by at least 2 spaces and that the applicant stated that discussions were taking place with the Angling society to determine how many spaces would be required to be provided. However, it would appear that the Angling Club has not been in any such dialog. This could still be dealt with by condition should WDC accept this.

Point 10 – The applicant has still not confirmed provision of bus stops and bus service contribution (£200.00). However, this is still required in order to ensure that the site has adequate free school bus transport for the residents of this site and (slightly) improved bus service at peak times.

S106 Mitigation Measures

- 1 Improvements to the existing footway [to 2 metres where possible] on the north side of the A272 between Hurstwood Lane [to the west] and the White Hart public house [to the east] to provide connectivity to the Primary School, railway station and village facilities.
- 2 Crossing points to reach proposed new east and west bound bus stops on the A272.
- 3 Access proposals including partial closure of existing access to provide separate combined cycle/pedestrian access and any carriageway markings.
- 4 New Bus stop infrastructure to provide two new bus stops on the A272 near the site (east and west bound) to include shelters, seating, new hardstandings, flag poles/timetables, kerbs and bus stop clearways.
- 5 Bus stop clearway consultation contribution of £1,000.

- 6 Travel Plan Statement.
- 7 Bus Service/School Transport Contribution £200,000 [£40,000 per annum for 5 years].

Prior to commencement of Development Items 1-4 above shall be agreed, secured by a s278 agreement and constructed prior to the occupation of the first dwelling to be occupied and which will include the need for Road Safety Audits stages 2, 3 and 4 and the implementation of any subsequent remedial measures.

Conditions

- 1) The access shall not be used until visibility splays of 2.4m by 120m are provided in both directions and maintained thereafter.

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles used 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),
- temporary diversion or protection of public rights of way
- arrangement of holding areas for construction vehicles
- details of public engagement both prior to and during construction works.

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

- 3) No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

- 4) No part of the development shall be occupied until pedestrian visibility splays of 25 metres by 25 metres have been provided either side of the proposed site vehicular access onto the A272 in accordance with plans and details submitted to and approved in writing by the Local Planning Authority as illustrated on plan No11723/2100P12.

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

- 5) The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use

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

- 6) The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls or fences).

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

- 7) The development shall not be occupied until cycle parking/areas/storage have been provided in accordance with [the approved plans (plan no. XX)/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority] and the area[s] shall thereafter be retained for that use.

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

- 8) At road junctions a maximum "landing" gradient should be provided of 1 in 40 (2.5%) for the first 10 metres from the channel line of the major road.

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

- 9) The new estate road[s] shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to [its/their] subsequent adoption as [a] publicly maintained highway.

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

- 10) Before [house] building commences, the new estate road[s] shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority.

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

- 11) No part of the development shall be occupied until a Travel Plan [Statement] has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Active Travel England

Summary

One response received (24 October 2023).

NO OBJECTION

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application

Southern Water Services

Summary

One response received (10 November 2023).

NO OBJECTION.

In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 141 metres from the BUXTED Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU

contour. The service we provide to review the assessment and/or complete a site survey is chargeable, more information regarding our fees can be found on our website; Connection charging arrangements (www.southernwater.co.uk).

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance

Lead Local Flood Authority

Summary

Two responses received (14 November 2023 and 27 March 2024)

NO OBJECTION (moving from objection due to insufficient information).

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

Further to our previous consultation response dated 14 November 2023 the Applicant has provided further information including a CCTV survey on the downstream drainage.

The downstream pipes are of a suitable type and material to receive the development drainage and show no signs of collapse or blockage. The technical design will need to include a section in the management and maintenance plan to highlight the pipes and outfall through the wet woodland together with any specific maintenance measures. As part of the detailed design, a simple headwall of a type which is sympathetic to the woodland, should be designed to formalise the pipe outlet and protect it from damage, siltation and blockage.

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 not exceed 7.3 l/s for all rainfall events, including those with 1 in 100 + 45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic

calculations should take into account the connectivity of the different surface water drainage features.

2. The details of the outfall of the proposed attenuation basins and how they connect to the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the attenuation 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 measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
5. 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.
6. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
7. Prior to occupation of the development, evidence (including surveys, as-built plans, site records and photographs as necessary) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Please also add an informative to state that any works to an ordinary watercourse will require Ordinary Watercourse Consent (OWC) prior to construction from the County Council as Land Drainage Authority. This is separate and in addition to the planning process. The Applicant should contact watercourse.consenting@eastsussex.gov.uk for OWC consent enquiries.

Environment Agency

Summary

One response received (20 November 2023).

NO OBJECTION

Thank you for consulting the Environment Agency on the above application. We have reviewed the information as submitted and set out our position below.

Environment Agency position - We have no objection to the proposal as submitted.

Historic England

Summary

One response received (24 November 2023)

Comment concern regarding the application on heritage grounds.

Thank you for your letter of 20 October 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

We also set out in Appendix 1 archival evidence to support our assessment of how the site contributes to the significance of Harrock House.

In Appendix 2 we have provided a response to the Christopher Boyles KC's opinion on our pre-application advice dated 23 March 2023, ref. PA01197846.

Summary

The Grade II* listed Harrock House survives as a fine late 17th-century building, originally a rectory, of remarkable historical and architectural interest. To its south, beyond the A272, lies the Grade II* registered Buxted Park which holds notable historical significance as the location of the original medieval village of Buxted, while also forming the setting to a number of listed buildings included in its grounds.

The proposed housing estate would sit on the surviving unspoiled rural setting of both heritage assets. Physically and experientially altering the character of the setting, the scheme would affect the ability to understand the historical interdependency between the original rectory and its vast and desirable glebe land, which underpins its development into a building of great architectural merit.

Introducing a suburban estate within the park's rural setting, beyond the village boundary, would also compromise the ability to understand the 19th-century development of Buxted as a new, distinct settlement set-away from the original medieval village within the park.

We consider that the heritage harm caused by the scheme to the significance of these highly graded assets would fall within the upper half of the less than substantial spectrum.

It is for your Council to assess whether the harm has been avoided or sufficiently minimised and whether it can be outweighed by the public benefits delivered by the proposal. You should also be convinced that those benefits cannot be delivered through development in a less heritage sensitive area.

Historic England Advice

Significance of Heritage Assets

The site comprises agricultural land located to the north of the A272. Although no designated heritage assets are included within the site's boundaries, the undeveloped land forms part of the rural setting of a number of surrounding heritage assets.

a) Harrock House

The Grade II* listed Harrock House survives as one of the most remarkable original rectories in the county. Its architectural significance is supported by its historical interest enhanced by the rectory's association with a number of illustrious vicars, directly appointed by the Archbishop of Canterbury, and eminent historical personages.

The site is historically linked to the listed building, located to its north-western boundary, as the surviving field forms part of the vast and rich glebe land belonging to the rectory, which contributed to the establishment of Buxted parish as one of the most desirable in the county. Accordingly, the retained rural and undeveloped character of the site is pivotal for the understanding and appreciation of the historical origins of the heritage asset and how it became a house of high status and of grand design.

The 79 acres of glebe land, including the site, was created in medieval times to support the incumbent vicar at St Margaret the Queen, in the original village of Buxted. Important information on its extent is provided by a coloured estate map dated 1773 held at the East Sussex Record Office in Lewes (PAR286/6/1/1), which is not mentioned in the Statement of Significance produced by Asset Heritage Consulting in August 2022.

Archival information which helps to evidence how this land contributed to the significance of Harrock House is given in Appendix 1 of this letter.

b) Buxted Park

Opposite the development site, to the south of the A272, lies the Grade II* registered Buxted Park. It holds remarkable historical interest, while also forming the setting to a number of listed buildings included in its grounds.

Here the medieval village of Buxted was originally located around the 13th-century church of St Margaret the Queen and the settlement's site is now protected as a scheduled monument. The early 19th-century emparkment, forming part of the works intended to transform the 17th-century house included in its grounds into a grand country mansion, implicated the relocation of Buxted settlement to the north-east, in proximity to the newly constructed Church of St Mary the Virgin.

The site constitutes the important rural setting of rolling wooded farmland to the north of the park. This section of its wider setting is particularly significant because, set away from the settlement core of Buxted to the east, and flanked by dispersed and irregular development, its undeveloped and rural character contributes to the appreciation of the distinction of the parkland from the village, contributing to an understanding of its historical development.

c) Mill House, Old Mill and Linden House

The site also contributes to the significance of a cluster of Grade II listed buildings located along its south-eastern boundary, including Mill House, Old Mill and Linden House. These properties hold historical and architectural interest forming part of the dispersed settlement which predated the redevelopment of Buxted village from the late 19th century onwards.

The site forms part of their wider, open and, for some of them functional, setting, contributing to the understanding of their rural origins. Therefore, the open fields that survive adjacent to these properties make a positive contribution to their special interest by helping to preserve the relationship of these buildings with their historic landscape.

In addition to the identified designated heritage assets, two undesignated pillboxes falling within the site's eastern boundary are of some historic interest as an illustration of WWII military structures and for their group value with the similar pillbox surviving in Buxted Park.

Impact of the Proposal on the Historic Environment

The proposal involves development of a residential scheme of 49 houses, with associated parking spaces, confined to the eastern section of the site following an historical axial boundary line. The western portion would be left undeveloped as a meadow, to reinstate its mid-/late-19th-century parkland character.

A public perimeter walkway entered from the A272 is intended as a continuation of the footpath through Buxted Park to allow an appreciation - supported by heritage interpretation material - of the historic relationship between the surviving WWII pillboxes along the river Uck at the edge of the site, and within the park. However, we note that the Statement of Significance produced by Asset Heritage Consulting in August 2022 identifies just one of the two pillboxes surviving within the site, although they are included among the HERs (ref. MES 19273; MES 19274).

As the proposal would change the character of the setting of identified heritage assets, it is essential to fully understand to what extent the site contributes to their significance. In this respect, we think that the contribution this land makes to significance has not been fully assessed in the submitted Statement of Significance.

a) Harrock House

The introduction of a housing estate on the eastern field of the site would irreversibly change the rural character of the listed building's setting. This undeveloped setting is essential to its significance as it provides an understanding of the pivotal role that the glebe land played in Harrock House's historical and architectural development. For further information on this point, we refer you to Appendix 1 of this letter.

The change of the setting's character to one which contains a suburban housing estate would also affect designed views from the rectory/Harrock House towards the open rural land, as intended in its late 17th-century configuration and 19th-century landscaping.

Even at the time the western field was configured as a meadow, the fields to the east of the axial boundary were still of utmost significance in relationship not only to the listed building's historical but also architectural significance. They provided the necessary rural background to sustain the character of isolation, quiet and tranquillity associated with the intention to create a bucolic landscape surrounding the rectory.

In this respect, it is relevant that the new line of trees represented along the axial field boundary on the mentioned late 19th-century OS map extends to its southern section only. This points to a planned scheme to allow views from the house to the open land beyond the meadow and thus sustain and appreciate the arcadian character of the setting. A glimpse of this is provided by a sketch illustrating a view of the rectory from the site by Dora Wordsworth, daughter of the famous poet William, during her and her father's stay at the rectory in 1831 - at the time the vicarage was held by her uncle Christopher - which survives in her notebook in the Wordsworth Museum at Grassmere.

Conversely, the proposed introduction of a view corridor from the planned development's central 'village green' towards Harrock House would offer an unhistorical framed sight of the listed building, eroding the ability to understand its historical relationship with the wider, open glebe land where the housing estate would sit.

In addition, the visibility of the estate features, including the vehicular entrance point to site, would unsympathetically signal residential development in this location and increase motor traffic, as well as light and noise pollution within the site, altering the relatively quiet and tranquil character of the arcadian setting that the proposal intends to recreate.

The proposed screening planting may help provide a degree of visual filtering of the housing estate but is unlikely that it would meaningfully succeed in concealing it both physically and experientially.

The applicant's Heritage Impact Assessment produced by Assets Heritage Consulting in August 2023 states that the proposed recreation of a meadow on the western section of the site would reinstate an element of the listed building's setting and would therefore be a heritage benefit. However, this meadow does not contribute meaningfully to the significance of Harrock House without the eastern field: the two fields together created the intended bucolic setting. Consequently, a housing estate on the eastern field would greatly disrupt the listed building's setting. We consider, therefore, that the meadow recreation would not result in much public benefit.

b) Buxted Park

Extending built form beyond the village's boundary into the site's undeveloped land would affect the park's rural setting and thus our understanding of how Buxted developed historically from a medieval settlement within the park to a separate village to its north-east, harming the heritage asset's significance.

In order to assess the visual impact of the proposed scheme, during pre-application discussion, we asked the applicant to produce a number of AVRs from identified viewpoints. Concerning the park, these included views from the ridge of the hill and from two intermediate points along the pathway running from there down the hill (visibility of the site from within the park, is discussed at point 5 of Appendix 2 of this letter).

Section 8 of the Design and Access Statement produced by Fluid in July 2023 has included two photomontages only. One of them relates to the park and is taken from the pathway down the hill in proximity of the surviving pillbox.

These visualisations, therefore, do not enable a clear understanding of the visual impact of the proposal. Furthermore, they are photomontages and not verified views and, therefore, their reliability cannot be confirmed.

c) Cluster of Grade II Listed Buildings to the South-East of the Site

Although we do not normally provide advice on Grade II listed buildings, we consider that, in this case, it is important to provide relevant information derived from the mentioned 1773 estate map.

The cartographic document marks the field located along the boundary to the river Uck as 'Mill'. This fact points to a functional relationship between the site and the related Mill House and Old Mill, thus adding another layer to the contribution that the rural, open setting gives to their historical significance as a small group of buildings forming part of the dispersed

settlement predating the redevelopment of Buxted village in the late 19th century.

Relevant Legislation, Policy and Guidance

The Planning (Listed Building and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving listed buildings, including their setting and any features of special architectural interest they possess (Section 66(1)).

Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of sustainable development, where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced and makes it clear in paragraph 195 that conflicts between the conservation of the heritage asset and any aspect of the proposal should be avoided or minimised.

The Framework also requires local planning authorities in determining applications to take account of the desirability of sustaining and enhancing the significance of heritage assets; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 197a, c).

Paragraph 199 states that when considering the impact of a proposed development on a heritage asset, local planning authorities should give great weight to preserving the asset's significance, and the more important the asset, the greater the weight should be.

The Framework states that any harm or loss to the significance of a designated heritage asset, from its alteration or destruction, or from development within its setting, should require clear and convincing justification (paragraph 200). Where less-than substantial harm would be caused, paragraph 202 explains that this must be weighed against the proposal's public benefits.

Relevant is also paragraph 206 which states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

Historic England has produced Good Practice Advice Note 3: 'The Setting of Heritage Assets', which provides a framework to help assess the impacts of development within the setting of heritage assets. It defines setting as 'the surroundings in which an asset is experienced'. This explains that impacts on heritage significance might result from changes to, among other things, visual and historic relationships, noise, lighting and activity.

Historic England Position on the Proposal

Historic England considers the proposal will cause harm to the significance Harrock House and Buxted Park through development within their close rural setting.

We also consider that the significance of the cluster of Grade II listed buildings to the south-east of the site would be adversely impacted by the proposal.

We think that the harm would fall within the upper half of the less than substantial range, in NPPF terms, for both Harrock House and Buxted Park.

We consider that any heritage benefits deriving from the reinstatement of a meadow to the eastern section of the site would be limited and would not outweigh the harm caused by the proposal.

The heritage benefits accruing from interpreting the historic relationship between the WWII pillboxes would be relatively minor and would not outweigh the harm caused by the proposal.

When considering the impacts of the proposal on the significance of Harrock House and Buxted Park, your Authority will need to give a sufficiently great weight to their conservation, given that the proposal affects Grade II* listed assets.

It will be for your Authority to assess whether the public benefits arising from the scheme, are sufficient to outweigh the harm to significance caused by the proposal, as required by paragraph 202 of the Framework. Importantly, your Council would also need to be convinced that those public benefits cannot be delivered in a less harmful way, for example through development in an alternative, less heritage sensitive site.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

In reaching a decision on this proposal, your Council will need to be satisfied that the benefits arising from the scheme are sufficient to outweigh the heritage harm. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 197a,c, 199 and 206 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Relevant is also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards and further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

APPENDIX 1

Archival Evidence Explaining the Contribution of the Site to the Historical Significance of Harrock House.

The Statement of Significance, produced by Asset Heritage Consulting in August 2022, identifies the contribution of the setting to the Harrock House's significance in relationship to its architectural interest, specifically in connexion to changes to the rectory's grounds that occurred in the mid/late 19th century:

The changes that occurred since the 1841 to its grounds and entrance to this house with the creation of a formal driveway and gardens setting clearly contribute to the significance (architectural interest) of this highly-graded listed building as part of a planned approach (SoS §3.16).

The presumption that the significance of Harrock House and the contribution given by the setting is mainly related to the asset's architectural interest (design, age, form and materials) is supported in the Opinion produced by Christopher Boyle KC in September 2023 (Opinion §11).

However, it is essential to stress the important contribution that the land associated with the original rectory gives to the listed building's historical significance. This consists of the 79 acres of glebe land, including the site, which was created in medieval times to support the incumbent vicar at St Margaret the Queen, in the original village of Buxted.

The earliest illustration - so far located - of this vast glebe land, which included woodlands, meadows, farmland and hop gardens is provided by a coloured estate map dated 1773 held at the East Sussex Record Office in Lewes (PAR286/6/1/1), which is not reproduced in the mentioned Statement of Significance. The map illustrates the site subdivided into four fields and indicates their names, acreages and land-use.

This extensive and profitable glebe land explains why Buxted parish was highly valued and desirable, as indicated by the fact that the power to appoint its rector was held directly by the Archbishop of Canterbury. This occurrence accounts also for the long line of historically significant vicars which were accommodated at Buxted rectory, including Alban Langdale, confessor to Queen Mary I; Samuel Bernard, chaplain to Archbishop William Laud, confessor to Charles I; Rev William Levett, a pivotal figure in the use of the blast furnace to manufacture iron, and Anthony Saunders, previous Chancellor of St Paul's Cathedral.

The prestige of Buxted parish led to the rebuilding of its rectory as a grander and fashionable building under Saunders's vicarage in the late 17th century. The new rectory, which forms the bulk of the current house, is shown on the mentioned

1773 estate map as a fully moated structure approached through an axial drive from the road leading from Maresfield to Buxted Bridge, along the current A272.

Notwithstanding this, the Statement of Significance indicates that the axial change in the house approach occurred after the 1840s, with momentous consequences. This presumption stems from information gathered from the 1841 tithe map only, which shows an oblique approach to the rectory through the adjoining western field.

It is possible that an additional oblique pathway was added after the extent of the moated platform was reduced in the first half of the 19th century. However, it is important to consider that the purpose of tithe maps is not to provide accurate survey but mainly to indicate field boundaries.

In this respect, it is interesting to note that the same 1841 tithe map represents only three of the four small ponds to the west of a larger one to the north of the site, although all four are illustrated on the earlier 1773 estate map and are still extant. On this basis, the Statement of Significance, unconvincingly, concludes that the presence of a fourth small pond on the 1874 OS map indicates that the landscaping changes around the house had also involved or precipitated some changes around the ponds (SoS 2.37).

It is important to stress that the site contributed also to the architectural significance of the rectory/Harrocks House, as part of the landscape surrounding the listed building in its 19th century configuration with a meadow on the western field. It appears from late 19th-century OS map that the new line of trees along the axial field boundary extended to its southern section only. This indicates that a planned view from the house to the open land beyond the meadow was intended to strengthen the arcadian character of the setting.

This point is supported by a sketch illustrating a view of the rectory from the site by Dora Wordsworth, daughter of the famous poet William, during her and her father's stay at the rectory in 1831 - at the time the vicarage was held by her uncle Christopher - which survives in her notebook in the Wordsworth Museum at Grassmere.

APPENDIX 2

Response to Christopher Boyles KC's Opinion (7 September 2023) on Historic England Pre-application Advice (23 March 2023, ref. PA01197846)

Point 5

The visibility of the development site from the ridge of the park, which has been presumed as likely during winter months in the Statement of Significance dated August 2022 (SoS §2.81, 3.49) and then contested in the related Heritage Impact Assessment produced in August 2023 (HIA §A1.10), has been definitely confirmed by a recent site visit with representative of your Council in early November.

The site is also visible along the pathway running from the ridge down the hill.

Point 5

As explained in the historical excursus provided in Appendix 1 of this letter, the configuration of the western section of the site as a meadow refers to a specific time in the history of the rectory/Harrock House. Even at that time, the eastern rural land contributed to its historical and, particularly, architectural significance in terms of planned arcadian character of the setting and views.

Point 6

The entrance point, even without kerbing and lighting - if consistent with requirement of the Highway Authority - would unsympathetically increase motor traffic and noise pollution within the site, altering the relatively quiet and tranquil character of the rectory/Harrock House's setting as it was historically and as the proposal intends to enhance by reinstating its 19th-century bucolic configuration.

Point 7

We repeat here - as stated in the Position paragraph of this letter - that the heritage benefits accruing from opening to the public appreciation - supported by interpretation material - of the historic relationship between surviving WWII pillboxes, which are undesignated heritage assets of limited merit, would be minor.

Point 8

In the light of the impact of the proposal on the historical and architectural significance of relevant heritage assets - as explained in this letter and Appendix 1 - the level of harm caused by the development and the contribution of heritage benefits offered by it have been properly assessed.

Point 9

We consider that the harm caused by the development to the significance of both Harrock House and Buxted Park would fall within the upper half of the less than substantial spectrum.

Point 10

In our pre-application response, we stated that the development would cause a high level of less than substantial harm. We did not mean that the identified harm would sit at the very upper level of the less than substantial and, therefore, just below total loss/substantial harm. As we have explained above, we consider the harm to fall within the upper half of less than substantial range.

Point 11

Significance is one of the guiding principles running through the historic environment section of the NPPF. The NPPF 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'. (Historic England 2019 Statement of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12. Swindon. Historic England, p. 2).

As explained in Appendix 1, the historical significance of Harrock House as a high-status rectory connected to its vast and plump glebe land is pivotal for its development into an architectural building of merit. This vital aspect of the listed building's significance, derived from the setting, has not been considered in the Statement of Significance produced by Asset Heritage Consulting in August 2022.

Point 15

The Policy section of our pre-application letter mentions paragraph 202 of the NPPF as relevant.

Points 15. and 16

In our response, we stated that the current proposal does not meet the requirements of the NPPF. In particular, the heritage harm caused by the proposed development scheme does not appear to have been avoided or minimised in planning policy term, as provision for housing estates could be envisaged in less harmful locations. This referenced paragraph 195 of the Framework, mentioned in the Policy section of our pre-application letter, and, therefore, any other inference from this has to be considered a misunderstanding.

Point 17

As explained in this letter and Appendix 1, the Statement of Significance by Assets Heritage Consulting did not consider the substantial contribution that the site gives to the significance of relevant heritage assets. Therefore, we consider it flawed.

County Archaeologist

Summary

One response received (22 November 2023)

NO OBJECTION

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.

[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 a desk – based archaeological assessment that places the proposed development site within an archaeological and historic context and assesses the likely physical impact of the scheme on the potential below ground archaeological resource. The visual setting of the site in relation to the wider landscape and local designated and non – designated heritage assets is not considered in detail.

The proposed development site does not itself lie within an Archaeological Notification Area (a non – designated heritage asset). However, a large Archaeological Notification Area associated with Buxted deserted medieval village, a post-medieval country house and park is located to the immediate south. It should be noted that the site of the deserted medieval village of Buxted is a Scheduled Monument located just c.150m. to the south-west of the proposed development and Buxted Park is a Grade II* Registered Park and Garden. A second Archaeological Notification Area associated with the 17th century Grade II* Listed Harrock House is also located adjacent the north-west boundary

of the application site. Two extant Second World War 'pillboxes' are found within the site, towards its eastern boundary.

The desk – based archaeological assessment that accompanies the application concludes that the potential of the site to contain evidence of Mesolithic activity (in the form of humanly struck flints) and archaeological features and artefacts of medieval and post-medieval date is moderate to high.

In order to objectively ascertain the archaeological potential of the application site and define the character and extent of any archaeologically significant buried structures, cut features, deposits and artefacts, the area affected by the proposals should be subject to a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

Natural England

Summary

Two responses received (8 November 2023 and 20 March 2024)

NO OBJECTION.

Officer note: The response dated 20 March 2024 is a reply to the Councils Appropriate Assessment consultation.

Habitats Regulations Assessment (HRA)

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

Officer Note: Whilst the 20 March 2024 response states 'Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details'. The obligations under the Habitat Regulations have been met and there are no objections from Natural England to the Appropriate Assessment (within this report) undertaken by the Council as the Competent Authority.

Buxted Park Site of Special Scientific Interest (SSSI)

Natural England has no objection to potential impacts to Buxted Park Site of Special Scientific Interest (SSSI). They comment 'Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development'.

High Weald National Landscape

The proposed development is for a site within or close to a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Other Advice Priority Habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006.

The Full response from Natural England can be viewed on the Council's website <https://planning.wealden.gov.uk/plandisp.aspx?recno=163172&AspxAutoDetectCookieSupport=1>

Police (Crime Prevention)

Summary

One response received (6 November 2023)

NO OBJECTION.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective.

The level of crime and anti-social behaviour in the Wealden district is below average when compared with the rest of Sussex, as indicated within Police.uk. I have no major concerns with the proposals at the location. 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.

Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety. Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface

(by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private. SBD Homes 2023 section 8.1.

In general terms I support the proposals in this application which will create a development where access is gained off the A272 through a single point with no through route. The shared surface with varying widths and texture will allow for safe activity and movement for both vehicles and pedestrians. The orientation of the dwellings will ensure that all publicly accessible areas including the road layout, communal amenity space and designated car parking areas benefit from overlooking and good natural surveillance. In the main, provision has been made for car parking within garages, carports, on- curtilage overlooked and a number of on-street visitor bays. Back-to-back gardens has all but eliminated the need for rear garden pathways by the presence of terraced housing. Each of the dwellings has access to secure cycle storage.

Defensible space has the simple aim of designing the physical environment in a way which enables the resident to control the areas around their home. This is achieved by organising all space in such a way that residents may exercise a degree of control over the activities that take place there.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, timber picket fencing or defensive planting. Whereas vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance such as the unobserved rear garden footpaths.

Trellis (300mm) topped 1.5-metre-high fencing can be useful in such circumstances. This solution provides surveillance from the garden into an otherwise unobserved area (pathway) and a security height of 1.8 metres.

Gates that provide access to the rear gardens must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible. They must not be easy to climb over or crawl under. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the fence post or wall. The gate construction should have the same design and construction attributes as the adjoining fence.

Planting should not impede the opportunity for natural surveillance and wayfinding and must avoid the creation of potential hiding places.

Following the above arrangements will provides a window of observation throughout the area.

Given the presence of the planned footpath links around and through the proposed development, makes this quite a permeable development. SBD acknowledges and recognises the need for the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space which encourages the active and continual use of public areas.

Lighting is an effective security measure and a useful tool for public reassurance.

I recommend that the dwellings exterior lighting is switched by dusk to dawn lighting as opposed to passive infrared (PIR). Furthermore, I recommend that the carports have dusk to dawn vandal resistant lighting incorporated within them to increase the safety and security of the users and their vehicles.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to extremely low levels of illumination. If this is the case, it is acceptable. However, between them, modern specialist lighting and lighting engineers are capable of achieving sufficient lighting levels without encroaching on some dark sky policies and where possible this should be explored. Where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Construction sites whether exceptionally large developments or small 2-3 dwelling developments, often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs.

SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website.

It is recommended that contact is sought by the developer with the local Neighbourhood Police Team (NPT) and Rural crime Team to establish good relations and rapport whilst the development is in the construction phase. Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

Sussex Gardens Trust

Summary

One response received (10 November 2023)

OBJECTION.

Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Gardens as per the above application. The Sussex Gardens Trust (SGT) is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of such consultations.

Representatives of SGT know the site well and have carefully studied the relevant documents submitted with the application.

The application site lies immediately to the north of the Buxted Park, an historic Deer Park which is included on the HE Register with a Grade II* designation. Although views of the proposed development from the interior of the park will be relatively well screened by existing trees, views of the development from the north east part of the historic deer park will not be well screened and, if approved, there would be some visual harm. While this would not be substantial, it would add to the harm already caused by other developments affecting the immediate setting of Buxted Park, which still maintains significant historic deer park landscape character, and thus lead to a more suburban character (for example there have been two relatively recent such proposals, viz WD/2020/1088/MAO (39 new dwellings) and WD/2021/2461/MAJ (Residential Care Home), as well as longer standing development).

SGT objects to the application because:

- Approval of the application would result in harm, albeit less than substantial harm, to the setting of the Grade II* Registered Park, particularly the historic Deer Park that lies immediately to the south
- None of the documents submitted with the application consider alternative sites where new dwellings could be erected without causing any harm to heritage assets, nor is evidence presented that there are no suitable alternative sites. The LPA should request the applicant to address this issue, or do so itself, before the application is determined
- If the situation is that the LPA is unable to demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies to applications for housing development - sometimes known as the 'tilted balance'. In essence this means the application should only be approved if the LPA determines that the benefits outweigh the harm.

Buxted Parish Council

Summary

Two responses received (20 November 2023 and 14 February 2024)

OBJECTION

Members object to this application and would like to reiterate their comments made previously (set out below).

The agent states that pre-application discussions were held with Planning Officers at Wealden ahead of the submission of this application. Within this discussion apparently the developer was encouraged to increase the number of properties from 45 to 49. No written feedback was received but we understand WDC were supportive of the proposal, subject to heritage considerations being dealt with thoroughly. At present, the parish council have not seen any written documentation from WDC, of what was discussed or the advice they provided the agent.

The site was submitted in the latest round of the WDC Strategic Housing and Economic Land Availability Assessment (SHELAA), however, WDC have not yet released their assessment of the suitability, to the public or the agent, so the parish council have no idea whether WDC think this is a suitable site for development as part of the SHELAA process.

The planning statement concentrates on the fact that despite a 'pressing need', Buxted has had very little development compared to Horam, East Hoathly & Blackboys. However, members of the parish council strongly disagree. There was a development of 67 dwellings in Queenstock Lane (2010), 140 dwellings in Ashdown Place (2007), 110 other dwellings within the parish between 2013-2023. There is planning approval for 39 dwellings in Five Ash Down (with building yet to commence), an additional 40 dwellings approved (subject to Southern Water confirming foul sewerage capacity) and 65 dwellings still to be considered (land north of Budletts). All of which will add untold additional strain to the already suffering infrastructure.

As we are still awaiting on the WDC Local Plan, we are not aware of the need for any additional development within the parish.

Issues to consider

Drainage and flooding: It would appear that the developers (Brookworth Homes) are stating that there is no issue of flooding on site. Whilst this maybe their consideration for the actual development site (the site slopes towards the river), we do not believe that accurately considers the major impact that the development could then cause in flooding the surrounding homes, gardens and the A272. The Old Mill (a residential dwelling) has suffered profoundly with flooding in last couple of years and this huge development will certainly not help. There was a red 'Danger to Life' flood warning in November 2022 of the River

UCK and the surrounding water courses, the very water courses the developers plan to use as the surface water runoff.

Local residents have queried the accurateness of the Flood Risk Assessment (FRA) conducted. The developer did not contact any neighbours to seek local knowledge regarding the in the area. Instead, it appears, to the residents that outdated and incorrect information may have been sourced online. Local residents should have been consulted, as they feel the flooding situation has been getting worse year on year. They are also concerned that the proposed flood defence ponds (SUDS) on the plans do not reconcile with the direction of the water runoff. The ponds appear to be situated nearer the South (road) side.

The water courses the developer is proposing to use for the entirety of the water runoff is, according to the FRA, is to be controlled by the existing land drainage systems which run directly onto the land of The Old Mill. The existing land drainage in this area is considered to be already ineffective. The parish council are aware that the owners of the Old Mill object to water flowing from the development in the stream on their land, due to the flooding they are already suffering. The owners of the Old Mill understand that under law they cannot object to water discharged from land in its natural state but once there is a development, they consider that this will no longer be water 'in its natural state'. (Please note, members of the parish council are not experts in flooding and Flood Risk Assessments but are noting the views of the parishioners who are extremely concerned).

The excess water running off of the field and onto the A272 is already significant. When it floods in is virtually impassable, with cars having to be pushed out of the flood.

There are already significant flooding issues affecting the homes situated below this site, some of which fall within Flood Zone 3.

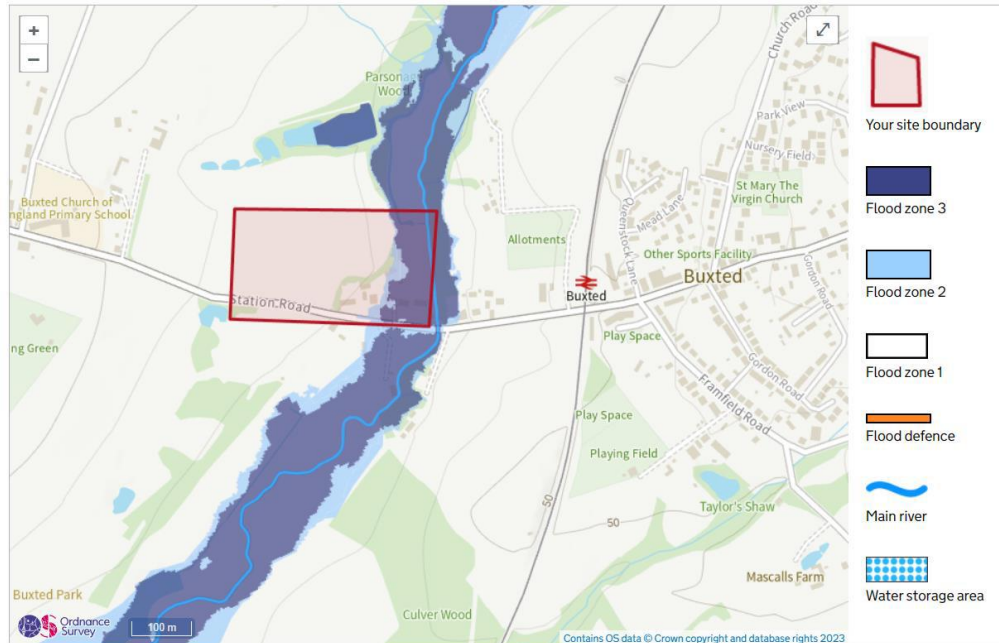
They state in their conclusion

- 5.1 The proposed development falls entirely within Flood Zone 1 and outside of any surface water flood risk area. The only mapped risk zones are confined to the east boundary where no change or access is proposed.
- 5.2 Groundwater flood risk will be managed by the existing land drainage system and by the exceedance routes incorporated into the development for overland flow.
- 5.3 A compliant SuDS strategy has been prepared for the site ensuring that the development will not increase off-site flood risk and that water quality is protected in the receiving watercourse.
- 5.4 This development will not increase the flood risk, either on this site or to neighbouring properties, and so complies fully with the NPPF and current PPG.

We would like to bring your attention to the below flood map, which shows the site boundary and flood zones. See flood map below:

Flood map showing the flood zone your site is in

The map shows the flood risk to your site and the surrounding area.



Environmental

Local residents are seriously concerned over the environmental impact this development would have. They regularly see newts, bats, dormice, owls and deer - who spend their summertime living in that field.

There is also much wildlife living in Buxted Park (a site of special scientific interest – SSSI) which would be impacted. There is a very special wildlife corridor that links Buxted Park with the surrounding countryside to the north, where residents frequently see owl, deer and variety of wild birds that nest in hedgerows of the proposed development.

There would be significant light pollution created by the proposed development, to an area which is currently completely dark at night.

Infrastructure

Brookworth Homes statement: 'We have investigated the school capacity and found it to have space for additional pupils. Doctors' capacity is a difficult issue to resolve as it is multifaceted. Planning cannot resolve recruitment issues. Not building houses does not ease this burden either as it just prevents households forming. The same number of people still draw on the service. The development will contribute towards infrastructure through CIL payments'.

It is the parish councils opinion that many parishioners would strongly disagree with the above statement. There is already extreme pressure on the local doctor's surgery.

Action

Could the developer provide evidence from the Local Education Authority as to how many spaces are actually available at the local school.

Power outages, disruption to water supply and overflowing sewage are not uncommon to the current residents of Buxted Parish. An additional 49 dwelling would only compound these issues.

Queries raised by the parish council

Local services

Can the drainage/sewerage system cope given the current state of Southern Water and the lack of proper infrastructure?

Affordable Housing

Will the criteria of 35% affordable housing be met? What guarantee do we have that developer won't later apply to have all open market housing?

Access and Highways

There are already drainage issues on this road which need to be rectified before adding more surface water. The access point at the bottom of the hill is dangerous with poor sight lines and yet the developer estimates that there will be a further 232 additional two-way vehicle trips over a 12-hour period (0700-1900). Local residents have reported many collisions between lorries at this site (maybe not all reportable to the police), but the additional vehicle movements will exasperate this issue.

The site is situated between Buxted and FAD so everyone will need a car as there are no buses, however the developer states in the Highway document that the Community Transport Scheme bus goes past the site. This is not a regular scheduled bus and gives a false representation of public services.

In pre-app discussions Highways have said (amongst a lot of other things): "It is considered that the existing public footpath on the northern side of the A272 should be widened to a minimum of 1.8m from the site access to The White Hart Buxted, to encourage prospective residents to walk and cycle to local amenities in Buxted." Have they given any consideration to the footpath going the other way, the way children would walk to the local school?

Coalescence

Removal of strategic gap between settlements. They seem to think that people will walk from Buxted to use the open space on the site!!! I suppose this shows how it will be integrated into Buxted (of course this will never happen) They state:

Concern was expressed that the existing residents of Buxted would be less likely to use the open space associated with the development due to the footpath from

the centre of Buxted and the proximity of traffic. The proposal has been amended to incorporate a perimeter footpath around the site which provides a more direct route to the open space and school which is set back away from traffic.

Heritage Setting and attempt at mitigation by the developer

Noted is a clever attempt at ameliorating the intrusion of this development, or heritage mitigation strategies, (2.6 to 2.12 of Heritage Statement) on the setting of not only the surrounding historic listed buildings, but also a Grade 11 listed park and garden. This development would adversely impact on the following: the setting of Buxted Park and Garden (Grade 11 listed), Harrock House C17 and earlier possible medieval house on same site, Harrock House Lodge (C19) and Hogge House C19, all Grade 11 listed, with the exception of Harrock Lodge. These buildings are mainly all to the south and slightly west of the proposed development. To the east lie Linden House C18, The Old Mill C19, The Mill House C17, once again Grade 11 listed. Then finally the W11 heritage assets in the pill boxes, and anti-tank ditches. There is pill box across the A272 in Buxted Park and another the northern boundary of the development site.

This is a mitigation strategy in an attempt, by the developers, to justify the development under the NPPF section 16 paragraph 200 under a heading 'Considering potential impacts': 'Any harm to, or loss of, the significance of a designate heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm or loss of: (a) grade 11 listed buildings, or grade 11 registered parks of gardens, should be exceptional.

Whilst the attempt at opening out a hitherto unavailable historic landscape publically is an interesting mitigation proposal but whether the occupants of Harrock House would be happy viewing the new development is quite another matter. As to turning the western part of the site being put back to its historic character as parkland, this is based solely on the 1878 OS map. In both the Yeakell and Gardner (1778) and the OS Surveyors map (C1820) the surrounding fields are depicted as arable or pasture farmland (figures 1&2). It seems far more likely to be developed in the future if this development, on the eastern side gets planning permission. It is possible that the fishponds are not associated with the Wealden Iron Industry but were developed as fishponds to the earlier, possibly C13, Harrock House and have been re-instated, as such, for a local angling club. The Wealden Iron Industry was centred around the Queenstock furnace to the north-west of the site, sitting alongside the 'Uckfield Stream'.

Ralph Hogge, who lived in Hogge House took over from William Levett, who cast the first cannon in one piece at Queenstock, and Hogge was a very significant figure in the trade of ordnance. He had a house/farm on the entrance to Buxted Park (Hogge House) which survives today complete with its cast iron rebus of a pig (Hog) over the front doorway.

In the response to Heritage England's pre-application letter dated 23 March 2023 (Appendix 1) the Heritage Impact Assessment author is highly critical of Dr Gallo's findings, but BPC would agree with her comment that:

‘The presence of a housing estate within the currently undeveloped field would introduce a disruptive suburban character to the rural setting of the identified heritage assets, extending the development of Buxted westwards along the A272 and bringing it closer to Buxted Park’.

Buxted Parish Council feels that there has been a total disregard of the contents of this letter/report in an attempt to conform with NPPF policies, as the developer has interpreted them.

However, it wished to point that, in addition to the comments made by Heritage England, that this development will adversely affect the setting of the Grade 11 listed park and garden of Buxted Park, Harrock House and the other listed buildings in the vicinity. The following reasons prove that this development would be quite out of character with its surroundings.

Buxted developed as a linear settlement straggling along a road which did not become an A road until the mid C20. The earliest reference to a lord of the manor in Buxted was in 1279 with a record of two houses near the church in 1354. A map survey dated 1654 shows Buxted Place with its attendant deer park, warren and fields with a few houses grouped around the church. The entrance was via the Lime Tree Avenue¹. This is directly opposite the proposed new development. In 1725 a new Georgian house was built in the same location as the house today. In the 1812 William Figg map there is only one house near the church. In the 1841 map this is also apparent. Therefore, the village developed further east along the now A272. There was no room or land available to develop within the park itself.

As can be seen from the two following maps, the Yeakell and Gardner (1778) and the 1st edition OS surveyors map of Buxted c1820 shows very scattered ‘dwellings’ or farms along the road. Hogge House is shown within the curtilage of Buxted Place. Harrock House is shown as The Parsonage to the north of Buxted Place. A few buildings are located adjacent to the river, a couple of which the complex of mill building.



Figure 1

Yeakell and Gardener 1778

ESRO AMS6008

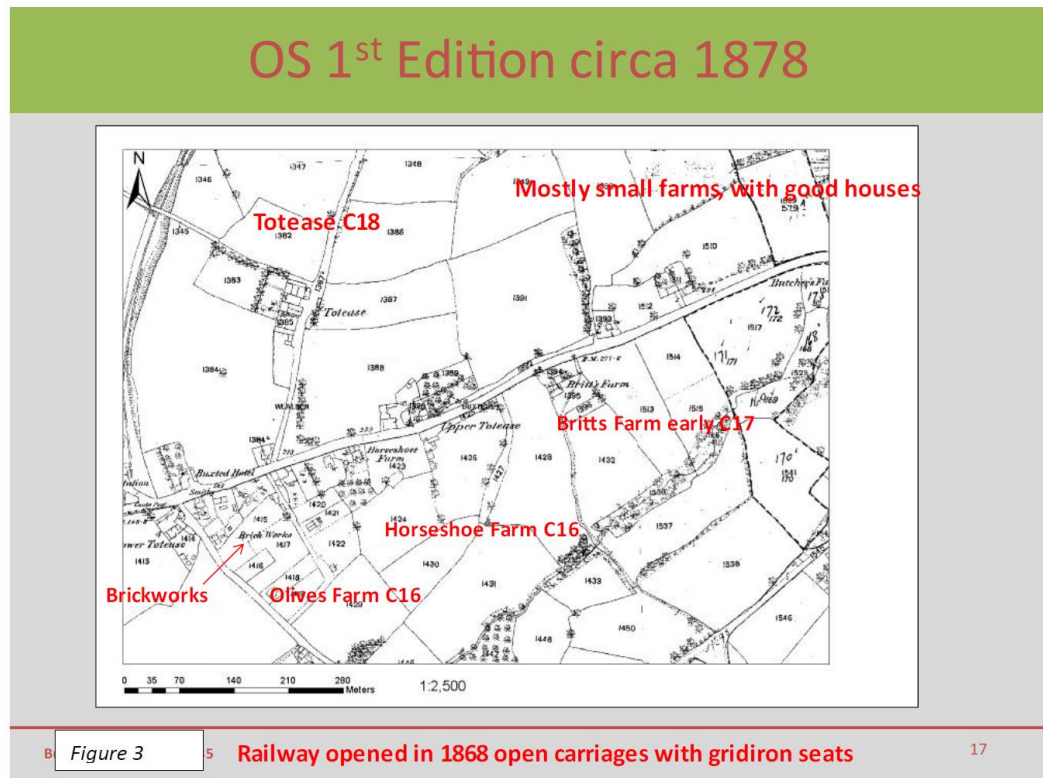


Figure 2

Ordnance Survey Surveyors 1st Edition C1820

It was not until after 1868 with the coming of the railway link from Uckfield to London that Buxted became a village of any size, and the growth was centred mainly east from the station, with some spread north and south from the station. Thereafter, slowly over time, during the mid to latter part of the C20, farms sold off their lands and small housing estates were built such as in Britts Farm. Housing also took over the redundant land which had housed chicken farms, such as Littlewood and Higglers Close. However, the area surrounding and including the potential development site remained untouched with no modern housing, thus retaining the historic rural nature, and setting to Buxted Park,

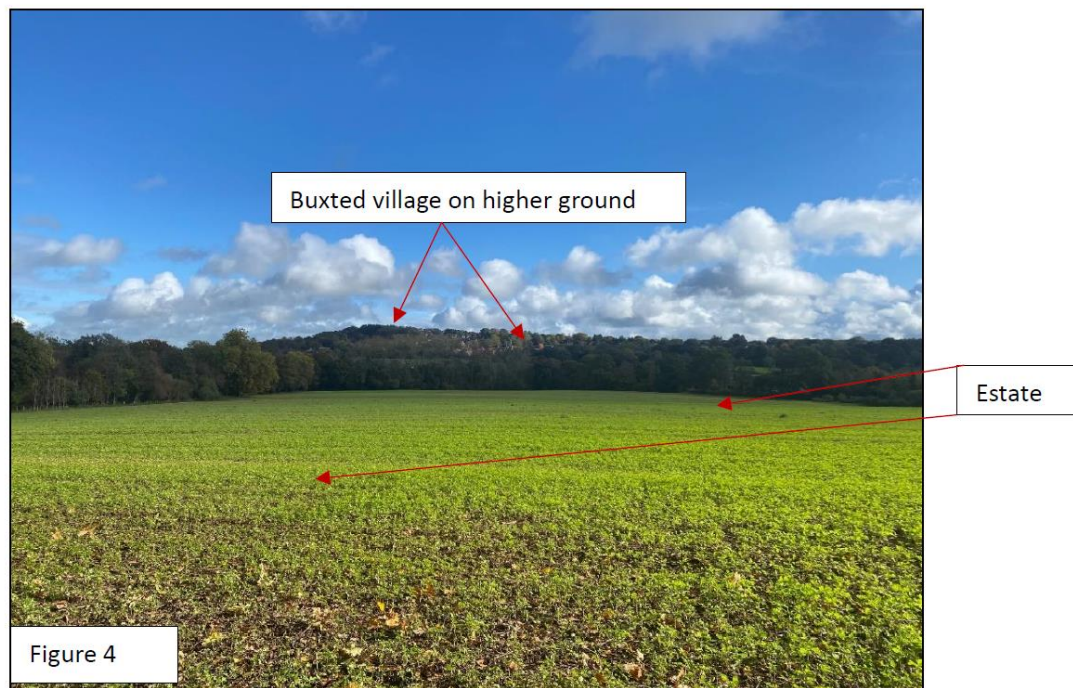
Harrock House, Linden House and the Mill complex. Thus, this is the last part of Buxted to retain its historic landscape setting and it would be a shame to lose this. Also, this would have a detrimental impact on the ecology of this area, further reducing the wildlife corridors. This stretch of road is well known for the deer fatalities which frequently occur along this part of the A72 as it is a crossing point for deer out or into Buxted Park. Road traffic accidents are also exacerbated by flooding along this road and icing in cold weather.



Perhaps the only C20 intrusion into the landscape here are the pill boxes which were part of the Newhaven to Penshurst GHQ stop line. It is suggested in the heritage mitigation strategy that a walk could encompass these pill boxes but, historically they were not intended to be seen, quite the reverse and often they were camouflaged with green and brown paint and one in Buxted had a tiled roof (Buxted Camouflaged Type 24 | The Pillbox Study Group Website. (www.pillbox-study-group.org.uk))

The suggestion that one could walk from Buxted Park, cross the A272 into the development site, or vice versa, and continue the proposed perambulation around the development site, has not taken into account just how dangerous crossing the road, in this location would be. Opening up Harrock House to be viewed from the housing estate might benefit the housing estate but would be totally detrimental to the occupants at Harrock House, let alone its historic setting. Moreover, the estate is set lower in the valley than the village of Buxted and the estate would be an unwelcome visual intrusion in the landscape from certain parts of Buxted. This effect would be increased at night with light from the houses.

The insertion of this development is total coalescence, from Buxted to the traffic lights at Coopers Cross, where there is planning permission for a new development, north onto Five Ashdown and south to Ringles Cross. At one time WDC were opposed to any form of coalescence. Is this still not the case? There is a difference in the meaning 'scattered linear settlement' as Buxted once was and this attempt to join up the housing along the A272. The proposed design of the new housing is totally out of keeping with the individual historic housing types, which takes the place of many different forms, all age related, and some more use related. Examples of which range from Alms House, Victorian Schools, Mill House and buildings and gentry houses, already mentioned. The new development will always look like a homogenous modern pastiche of older styles instead of individual buildings with their own distinct, unique, and local historic character.



The site was historically used to grow the corn / grain that was stored in The Granary and milled in The Old Mill. The Mill House was where the bread was made and sold to the villagers. In fact, the serving hatch can still be seen on the side of Mill House. According to the documents submitted with the planning application, the Mill Pond has been filled in but this is not true. The Mill Pond and the Mill Wheel are still very much intact, the Mill Pond water rising and falling with the water table. In 1939, according to historical documentation, an anti – tank ditch blocked the water supply to the Mill Pond as part of WW2 defences. This is further evidenced by the two WW2 Pill Boxes situated on the land proposed for development and adjacent to the Mill Stream.

Conclusion

The site comprises of agricultural fields located to the west of the urban edge of Buxted separated from the settlement by a railway line which currently represents a clear and defining edge to the village of Buxted. Despite the sites proximity to the railway line the site is rural in nature and is isolated from local services and amenities and development would be out of keeping with the

surrounding land uses. Development would also have a detrimental impact on the setting of Buxted park and its Grade II* listed park and garden and adjacent listed buildings located to the south of the site.

Referring specifically to the heritage section Buxted Parish Council strongly object to this development on the following grounds:

1. That the setting of the various listed assets will be badly compromised
2. The experience of interplay between the countryside and the heritage assets would be totally changed and not particularly welcome.
3. This area is the final part of the landscape in Buxted which has changed relatively little over a long period of time, that which has been changed has been by natural historic organic development, and it would be a shame to lose this.
4. The homogenous nature of a new development would be totally out of place in this landscape setting, where the characteristics of buildings inserted over time is key.
5. It is an unacceptable form of coalescence and notwithstanding quite outside the development boundary for Buxted.
6. Visual intrusion and light pollution adjacent to heritage assets and from Buxted village itself which sits on the hill, higher than the proposed development.

If the unfortunate decision were to approve the application – we would wish for:

1. Widening of pavement to the west to Buxted School
2. Site for village hall in 'Park' field with parking
3. Cast iron guarantee from WDC that they will never have permission to develop the western part of the field further.
4. Trees to screen Harrock House from the visual intrusion

Suggested Response to Parish Council

The application has been the subject of consultation with the EA and LLFA who do not raise objections. The scheme proposes sustainable surface water drainage. The application was submitted with ecological information which has been the subject of consultation with the councils Biodiversity and Arboricultural who does not raise objections and comments that the proposed scheme would provide significant biodiversity enhancement. The proposed development would contribute to CIL that could contribute to improvements to local infrastructure. The application has been supported landscape work which has been considered during the formation of the officer recommendation and assesses the potential effects of the development on the local and wider landscape. The Highway Authority do not object to the development with regards to highway safety or sustainable transport options. Heritage England and the Councils Heritage officer do not object with both providing the view the proposed development would cause less than substantial harm to both designated and non-designated heritage assets.

Other third party responses (including local residents)

At the time of writing this Officer report, notifications of OBJECTION to the application have been received from 40 households and 6 have made comments. Until any decision is issued the comments can be viewed on line. A summary of matters raised is set out below:

- The village does not have sufficient amenities to support the proposed development.
- Residents already cannot get appointments in the Buxted Medical Centre.
- Buxted Church of England Primary School is at capacity.
- The village has negligible employment opportunities.
- The car park at Buxted railway station could not cope with additional demand for commuters.
- The development would affect the rural nature of Buxted.
- The scale of development proposed is inappropriate for the village location.
- Recent planning permissions would result in development that would erode the character of Coopers Green and Five Ash Down as hamlets. This proposal would merge Buxted and Uckfield.
- Buxted has regular water cut offs and power cuts. Is the existing water pipes and electricity infrastructure suitable to service the proposed development.
- The public benefit of recreational space is not needed as the village already has a play/open space and Buxted Park is a huge recreation space with many dog walking paths.
- The Council should have regard to other developments in the district which surely meet the housing needs.
- The site is outside of the development boundary and not referenced in the April 2020 Five Year Housing Land Supply Statement.
- The site is surrounded by listed buildings whose settings will be harmed.
- The views from Buxted park would be strongly compromised.
- The submissions have not appropriately assessed the significance of heritage assets and their settings.
- The area is prone to flooding the proposed development would exacerbate existing issues.
- After heavy rains there is a large amount of excess water on the A272.
- There is strong concern that the proposal does not adequately address flood risk.
- Drains in both the road and pathways are constantly blocked causing flooding and the footpath to be impassable and flooding of the road.
- Large trees may be damaged by roots being constantly in water and if they fall properties would be damaged and be a risk to life.
- There is little information about the impact of 49 homes will have on Southern Water's foul sewer which runs through several gardens.
- Sewerage leaks are a common occurrence.
- The development would impact upon highway safety.

- Exiting the development will be hazardous given that the line of visibility coming down the hill to Buxted is very poor.
- The development would be car dependent.
- The bus service only runs between Hadlow Down and Uckfield and is limited to one or two services a day on weekdays, it does not run when older children need to travel to school and is of only limited benefit to villagers.
- The foot path from Buxted to the School on the very fast and busy A272 is too narrow.
- The road networks around Uckfield are heavily congested.
- The site adjoins the River Uck, ancient woodland and Buxted Park has wildlife been considered.
- The proposed site and the surrounding woods provide vital habitats for local wildlife.
- The development is likely to result in the loss and deterioration of ancient woodland.
- Building on this land would be hugely detrimental to the fishing lake beyond.
- The excess water runs on towards the river Uck and it is an acknowledged fact that housing developments adversely affect the water quality of rivers.
- The Buxted Park SSSI is designated for its population of invertebrates
- There have been recordings / evidence that endangered species are present in the locality.
- The site is on the boundary of the AONB and would have a large impact on the High Weald 'Dark Skies'
- Light pollution will significantly increase.
- Loss of acres of productive agricultural land.
- Increased traffic will have a detrimental effect on Ashdown Forest a SPA site.
- New trees/shrubs should be planted to provided greenery and ensure privacy of existing residents.

In addition to the material planning matters raised a number of responses have been made in relation to the car parking being provision for the anglers of the Isfield Angling Club who control the fishing rights to Harrock House Lake. This is a civil matter outside the parameter of this planning application.

2. Other Relevant Responses/Issues

WDC Heritage Officer

Summary

One response received (11 January 2024).

Comments

Please accept this email as my formal consultation response on the above application for planning permission on Land North of the A272, Buxted.

Background

This application follows on from a pre-application enquiry with WDC and separate pre-application discussions with Historic England (HE). As part of the pre-application enquiry, officers held a Teams Meeting with the applicant in July 2022 where concern was raised with the assessment and conclusions of the Built Heritage Statement (BHS; RPS, June 2022). Informal heritage comments on the BHS were provided in August 2022 with the view that there was scope for a more informed settings exercise to better support any forthcoming application. The pre-application enquiry was left open to allow for further discussion.

In December 2022, HE contacted me to discuss proposals they had received as pre-application on this site. In early January 2023, I was invited by Dr Gallo to attend HE's pre-application site visit with the applicant's new heritage consultant and was provided with the additional information including the Statement of Significance by Asset Heritage Consulting (August 2022) and Heritage Response Document by Fluid (Rev A). The applicant provided WDC with Rev B of the Heritage Response Document (Fluid) prepared for HE's response in late February 2023. We were not provided with a copy of HE's pre-application advice until 7 November 2023, as part of the current application.

The application site was put forward in 2020 as part of the second Local Plan 'call for sites' (ref: 1102/1840). It has not yet been assessed for suitability, availability and achievability as part of the Local Plan process, and is subject to a Sustainability Appraisal. I note that other sites in the vicinity of the application site have been assessed as part of the 2019 SHELAA - most notably 744/1840 at Holly Farm which was at that time considered unsuitable for a variety of reasons, including heritage impacts relating to the registered park and garden at Buxted Park.

I can confirm that I have visited the site and its environs on a number of occasions – 22 June 2022, 23 January 2023, November 2023 – and have undertaken a number of visits in the vicinity in 2022 and 2023 (including at Hogge Farm, Buxted CoE Primary School, Buxted Cricket Club, St Margaret the Queen Church and The Old Mill), in addition to general travels in the district. I have also visited the grounds of Harrock House in connection with this application.

Heritage considerations

The Council has a duty to have special regard to the desirability of preserving or enhancing 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, as amended by the Levelling Up and Regeneration Act 2023) (hereafter referred to as the 1990 Act).

The National Heritage Act 1983, via section 8C of the Historic Buildings and Ancient Monuments Act 1953, established the power to create the Register of Parks and Gardens of Special Historic Interest in England. Inclusion on the register is a material consideration meaning that local planning authorities must take into account the historic interest of the site when determining whether or not to grant permission. Section 102 of the Levelling Up and Regeneration Act 2023

introduces a statutory duty to have special regard to the desirability of preserving or enhancing 'a relevant asset' or its setting. For parks and gardens, as relevant assets, preserving or enhancing includes 'any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset'. Significance in relation to 'a garden or other area of land' included on the register is defined as the 'special historic interest'.

The statutory requirements are reinforced by the National Planning Policy Framework December 2023 (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. Paragraph 195 sets out 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. When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and the more important the asset, the greater the weight should be, irrespective of whether harm amounts to substantial harm, total loss or less than substantial harm to significance (Paragraph 205). The 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 206).

The Courts have held that 'preserve' under the statutory duty means an absence of harm. Under the NPPF, harm can be either 'substantial' or 'less than substantial' (Paragraph 205), requires clear and convincing justification (Paragraph 206), weighed against the public benefits of the proposal (Paragraphs 207 and 208). In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset (Paragraph 209). LPAs are tasked with looking for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance and treat favourably proposals that 'preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance)' (Paragraph 212).

This national policy intent is addressed by 'saved' Local Plan Policies EN1 and EN27; Core Strategy Policy SP02; as well as Chapter 12 of the Wealden Design Guide.

Issues for Consideration

The heritage issues for consideration are the impact of the proposals on the significance (including any contribution made by setting) of designated and non-designated heritage assets comprising:

- Buxted Park, a grade II* Registered Park and Garden (RPG) to the south of the site, encompassing the grade II* listed Buxted Park (mansion) and the grade I listed St Margaret the Queen Church, as well as their associated assets;
- Harrck House, a grade II* listed building to the north-west of the site;
- The group of grade II listed buildings to the south-east of the site, including Linden House, The Mill House and The Old Mill;

- The Hogge House, a grade II listed building;
- Harrock House Lodge, a non-designated heritage asset; and
- Two WWII pillboxes located within the site, non-designated heritage assets.

Setting

The setting of a heritage asset is the surroundings in which a heritage asset is experienced. Historic England's Good Practice Advice Note 3: The Setting of Heritage Assets gives advice on understanding setting, and its twin roles in how it may contribute to the significance of heritage or allow that significance to be appreciated. It sets out a methodology for assessing the contribution of setting to significance and assessing the effects of proposed development on significance or the ability to appreciate it; be that from the public or private domain, and in relation to neutral, beneficial or harmful change. GPA3 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.

Comment on Submitted Supporting Documents

The application is supported by a Statement of Significance (SoS) and Heritage Impact Assessment (HIA). In addition, a legal opinion on Historic England's pre-application advice has also been provided. In my view, this carries limited weight as it was produced without the benefit of a site visit by the KC and is based entirely on opinions expressed in Appendix 1 of the SoS.

The Planning Statement (PS) and heritage submissions identify a number of appeal schemes and various pieces of case law on which they rely. In heritage terms, only one of the appeal decisions (APP/A2280/W/22/3311965 for Land E of Seymour Road and N of London Road, Rainham Kent), appears relevant. As pointed out in the public representations, other potentially relevant appeals have been omitted (e.g. APP/C1435/W/21/3289619 Land to the rear of The Walled Gardens, Five Ash Down). In terms of the caselaw relied on, I also have concern with some of the interpretations made in the PS and the HIA, particularly as it regards the approach to setting and significance; identification and levels of harm and the 'internal balance'; high quality and beautiful design in the setting of heritage assets; and understanding of the statutory duty set out in the 1990 Act.

Since the submission of the application, a range of additional historic information has become available, particularly as it pertains to Harrock House, Mill House and The Old Mill. This has highlighted a number of gaps or omissions in the Statement of Significance in particular and draws into question both the identification of significance in the SoS and conclusions on impacts on significance in relation to setting in the HIA. Whilst statements need to be proportionate to the significance of heritage assets affected and the impact on that significance, enough information is required to fully understand the issues (HEAN12). I note that the baseline was completed apparently without reference to a number of particularly relevant maps, coupled with over-reliance on

particular maps; full understanding of the evolution and significance of Harrock House, and its setting; and aerial photographs depicting the site in the mid 20th century.

Further limiting the weight afforded to this document and its conclusions, some of the design elements relied on in the HIA as mitigation contradict and/or are not clearly reflected across the application documents (e.g. width of the access, lighting and kerb styles at the new access, retention of existing boundary hedges etc.). As one example, the consultee response from Highways brings into question whether the existing boundary hedge/banking can be retained and/or enhanced as implied, whilst also achieving necessary visibility splays. For any design mitigation to be relied on at this stage, it should form part of the detailed application and be demonstrably achievable, rather than dependent on later determination as part of a condition discharge. In my view the HIA either substantially ignores or underplays the cumulative urbanising effect of many aspects of the proposed development within the settings of the heritage assets, including the impact of widening existing footways, provision of the new access and footways/perimeter path, provision of new bus stops, any necessary streetlighting within the development itself, operational lighting from the use of the housing, increased vehicle movements and orientation of the access with relation to the RPG, etc. Rather the HIA tends to lump effects together as generally reducing the character of the rural area, which is not sufficiently clear as regards impact.

Further, I am also not convinced that all of the associated impacts have been factored into the assessment of harms. There is no detail of any works to the two pillboxes within the development and the HIA does not consider any changes within their immediate settings (e.g. changes to levels, construction of the path, attenuation ponds) to achieve the perimeter walk which it then considers a benefit. Through negotiations relating to drainage into Ancient Woodland, the land drain has been moved closer to the heritage assets and relies more heavily on historic features including the millpond/leat and sluice. I cannot see that this has been factored into the heritage considerations nor demonstrated that there won't be a threat to the listed buildings and/or key portions of their settings from impact of surface water drainage.

The author of the SoS and HIA is critical of Historic England's advice regarding views available from Buxted Park towards the site, especially from the ridge but also appears to acknowledge views (or potential views) of the site from the park, including:

- views channelled by the tree avenue onto the western part of the site and Parsonage Wood [3.47 SoS];
- movement of cars from the central ridge of the park from a point east of the churchyard and likely visibility of the site from the avenue aligned with the north-eastern elevation of the house [3.49 SoS];
- views towards the application site from the lower portions of the footpath and north-east corner of the park [3.52 SoS]; and
- views out from the parkland, east of the central ridge [3.66 SoS; 2.58 HIA].

My own experience is that there is some limited visibility of the site from the ridge, and there are a number of intermediate views which directly overlook portions of the site. These views vary with the different routes through the parkland and with seasonal and diurnal changes. In addition, the limited visibility is largely by virtue of the parkland planting. Paragraph 40 of GPA3 warns against over-reliance on screening, which can only ever have a mitigating effect, will have a natural lifespan and cannot be relied upon in perpetuity. This was clearly demonstrated by the extensive loss of trees within the parkland after the 1987 storm, and I noted on site that some of the hedgerow trees appear to be in poor health. In any event, the effect of development on the setting of a listed building is not necessarily confined to visual or physical impact.

As part of HE's pre-application site visit, a number of viewpoints were agreed for modelling and visualisation, in order to confirm impacts, or lack thereof, including (1) from the gardens/terrace of Harrock House, (2) from the drive to Harrock House, (3) from the upper part of the hill in Buxted Park, and (4) from two intermediate points further down the hill from Buxted Park. Whilst photomontage views are included at 2.6 and 8.0 of the DAS (similar to those in Rev B of Fluid's Heritage Response Document from the PE) these are not complete, representing only daytime and full leaf cover, and are not accurate visual representations (AVRs). They therefore cannot be relied upon to demonstrate effects of the proposed development, whether positive or negative. Reliance on the LVIA for the purposes of understanding and mitigating heritage impact would not be appropriate, however, I also note that the LVIA has scoped out a number of the publicly accessible viewpoints from Buxted Park (1, 2, 4, 5 and 6), does not include views from the site itself, and does not itself include viewpoints to or from sensitive heritage receptors. This aspect of the work requested at the pre-application stage has not been done, enabling a clear understanding of the visual impacts of the proposal on the most sensitive grade II* designated heritage assets.

Consideration/Assessment of the proposals

As set out in the PS and HIA, the applicant considers that there will be less than substantial harm to Buxted Park, Linden House, The Mill House and The Old Mill. In respect of these assets, where we differ is in the degree of less than substantial harm. This arises from differences in understanding the nature and degree of the settings' contribution to significance of the assets based on the applicant's reliance on the reductive approach to setting, and in the lack of assessment of impact on experiential qualities and the twin roles of setting.

Buxted Park

Whilst the SoS acknowledges that the site forms part of the setting which contributes to the significance of Buxted Park, the HIA takes a reductive approach to setting focusing on its extensive and varied nature [2.48-2.49], the perceived proportion of setting that will remain intact [2.59] and perceived proportion of significance that derives from setting [2.60]; against the vague and generalised view that 'part of the rural character of this part of the setting of Buxted Park will be eroded by the proposals' [2.57], as well as mitigation [2.56] and perceived benefits [2.61].

In my view, a qualitative approach to setting that looks firstly at what is being affected and why it is important, is preferred. This sits more comfortably alongside s.66 of the 1990 Act which gives equal weight to the desire to preserve an asset and its setting. Whichever approach is taken, it is necessary for the harm to significance to be clearly articulated.

With larger area-based designations, it is accepted that not all elements of the setting will necessarily contribute to its significance, and not all parts of the setting will contribute equally. I note that the conclusions of the HIA are made without evidence of detailed analysis of the setting, its change over time, or understanding of which parts of the setting contribute, and to what extent.

Historic Landscape Characterisation (HLC) shows that the only portions of the setting of the registered area - itself characterised as medieval designed landscape - which retain their medieval landscape character are the site and Parsonage Wood to the north, and the river corridor to the south-east. Aside from the early postmedieval landscape character at Holly Farm to the north-east, the surroundings of the park are heavily characterised as early modern and 20th century, and map regression shows considerable urban encroachment on the designed landscape from the northern edge of Uckfield, as well as development at Coopers Green and Ringles Cross. Whereas the western part of the park is wooded with a gentler topography, the eastern part is quite different in character. Here, the setting contributes to a greater extent in my view, partly because of the relationship of the designed area and the landscape beyond, including the site, and partly because of the level of survival being largely intact. According to the Sussex Gardens Trust, the northeastern part of the park 'still maintains significant historic deer park landscape character', and this part of the park contains features relating to the date and rarity criteria for registration which reflect its grade II* status. GPA3 notes that 'Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance... ', as would certainly apply here for the 'landscape of rolling wooded farmland' to the north, as referred to in the list description.

The HIA identifies impacts including loss of part of the undeveloped, rural character of this part of the setting [2.51, 2.57] and reduction of the experience of the park being set within a wider rural landscape [2.58] based on two experiences – for users of the A272, both pedestrian and vehicular, and 'from within the park'. In assessing the scheme, it fails to identify with any specificity the extent or nature of the erosion of these qualities. Despite relying on connectivity between the site and elements within Buxted Park as a perceived benefit of the scheme, the assessment lacks awareness that the proposal will introduce public accessibility from the site itself and open up views and dynamic/transitory experiences from and towards the assets in the context of the new development. In so doing, it also greatly overplays the perceived design mitigation [2.51, 2.56], which is neither reliable based on the application documents or other consultees input, nor accurate. It is particularly difficult to see how the proposed development, with its estate layout, depth and hard western edge is 'in a manner similar to existing historic development along the road'. The HIA largely overlooks any impact on the experience of the parkland through experiential qualities and associated urbanisation on the edge of Buxted Park

from the required bus stops, improved footpaths, loss of boundary hedging/reduction of the banking, and including an intensification of movement (increased vehicle trips), with lighting from vehicle headlamps which will now be directed into the RPG because of the access.

The SoS notes that the 'rural setting around the parkland forms part of its significance as an area of planned landscape set away from nearby settlement' [3.45]. In the dynamic experience of the parkland for users of the PROWs, emerging from the parkland onto the A272 at the original park entrance adjacent to the lodge, this change within the setting of the asset will be readily apparent, with some frequency if the links between the proposed perimeter walk and Buxted Park are realised.

The stated benefit of reinstating part of the historic setting of Buxted Park through recreating the parkland character of the western part of the site [2.61] will be addressed in more detail under Harrock House, but the change of one field from agriculture to managed amenity space (not pasture), in the context of new development on the eastern part of the site, is not considered to be a heritage benefit. It will remain undeveloped as at present, but the proposed change to managed amenity space will have no more or less relevance to the setting than the present arable use, and should not in my view be factored into any balancing exercise, 'internal' or otherwise.

In my view, the combined undervaluing of this part of the setting of Buxted Park, underplaying of the impacts of the development, and over-stating of the perceived 'benefits' has failed to represent an accurate level of harm. In my view, the harm would fall within the upper half of the less than substantial range. Mindful of Paragraph 13 of the PPG, I note concern around the implications of cumulative change have been raised by the Sussex Gardens Trust. (See also Conservation & Design consultation made under WD/2023/0947/MAJ.)

Linden House, The Mill House and The Old Mill

On the whole, I agree with the SoS that the application site forms part of the rural setting of the listed buildings, reinforcing their historic character and forming part of the dispersed settlement pattern of Buxted. The Old Mill and The Mill House, have a more specific relationship with the parts of their setting including the engineered landscape which supported the specialist building functions. Historic maps show all of the historic dwellings benefited from outbuildings to the rear, with a woodland buffer between the buildings and the application site, which is now protected by a TPO. In the 1930's all of the historic properties were included in sales particulars as part of the Buxted Estate.

The Mill House has been studied by David and Barbara Martin as part of the Rape of Hastings Architectural Survey (RoHAS 1/1784), and provides some useful historical context for the mill:

In 1619 the mill was part of a farm called Braybrooks. Richard Relf of Framfield, gunfounder, had recently purchased it from John Wells, gentleman, the owner of the Buxted Estate, based at Buxted Park. How long it had formed part of the estate is not currently known. From this time

the property remained independent of the estate until 1865, when it was purchased back [ESRO AMS 6860/24/5]. It was between this date and 1873 that the house was rebuilt by the estate. Although independent of the estate for around 250 years, it was sometimes owned with other properties; for instance, in 1774 it was in the same ownership as Totease Manor. The 1840-41 tithe award and map indicate that at that date the property, called Mill Lands, was in the owner occupation of John Catt and comprised a homestead (including the house and mill) and 8 acres, 2 rods, 35 perches of land called Upper Brook, Lower Brook, The Bog and a lane called Bow Croft, being plots 174-178 [ESRO TDE 135].

Recent applications have identified one of the historic outbuildings to the rear of Linden House as a non-designated heritage asset (see WD/2021/1063/F and WD/2023/1006/F). Prior to c.1899 the late-18th or early 19th century outbuilding was associated with Yew Tree Cottage/Ramblers, but was amalgamated with Linden House in the late 19th century, before it was transferred to the owner of Yew Tree Cottage in 1980. Although referred to as a granary, the Heritage Statement with the 2023 application found no physical or documentary evidence of use as a granary. It may have been a grain store or cart house, and was likely used in associated light domestic industrial or agricultural use (DGC 2023). Others suggest an historic relationship between The Mill House, The Old Mill, the granary and the eastern part of the application site, identified as 'Mill Field' on the 18th century maps.

The main area of dispute in relation to Linden House, The Mill House and The Old Mill lies in the suggestion that the contribution the application site makes to the significance of these listed buildings is minimal. Whilst only one component of its setting which contributes to its significance, qualitatively it plays a key role in that setting. The undeveloped character of the site is crucial to recognition of the identified settlement pattern and settlement 'edge' in particular, as well as experience of the assets as part of the rural area, in dark, quiet and rural/agricultural surroundings. This is reinforced in the winter, when there are more open views between the assets and the site. As has been shown, HLC identifies a medieval character to the fieldscapes, and although now in arable use rather than pasture, they clearly reflect the historic setting of the listed buildings. Contrary to GPA3, the consideration of what contributes to setting within the application submissions appears to rely on public accessibility [2.42 SoS] and fails to consider experience of the assets from within their own curtilages.

I also disagree that the suggested design will have any positive material effect as mitigation. Section 3.3 of the DAS sets out that the 'arrangement [of heritage assets, specifically Linden House, The Mill House and The Old Mill] gives scope to inform the layout of any new proposed development within their setting'. Whilst this appears to have perhaps broadly (but unsuccessfully) informed the 'Park View' character area, I cannot see that it has any meaningful relationship to the 'Woodland Edge' character area of the proposed development.

When travelling west to east, the settlement edge (notwithstanding the shaw) will be much more abrupt, with face-on views of the properties in the Meadows Edge 'character area' combined with oblique views of the houses in the Park View

character area, and extending full depth into the site. This is directly in opposition to the existing rural transition, which sees the built form gently taper towards the A272, one-plot deep with generous vegetation. The urbanising character of the estate layout with its internal access roads on all edges, development depth and density and the associated impacts of loss of boundary vegetation, road and pedestrian infrastructure, bus stops, lighting etc. would have an adverse impact on appreciation of the significance of these grade II listed buildings. In respect of the Woodland Edge character area, I cannot see how the layout or density has responded positively to the heritage assets or their settings as stated; rather the perceived mitigation appears solely related to the suggested 'rural aesthetic' of the new houses and inclusion of a largely meaningless buffer, which itself includes modern engineered features related solely to the proposed development.

The HIA says only 'there will inevitably be some effect on the wider rural setting of these listed buildings', presumably through reduction of the rural qualities, but fails to identify which attributes it considers would be harmful and relies on the suggested mitigation measures to reach its 'degree of harm that falls towards the very bottom of the scale of less than substantial'. As elsewhere, this underplays the qualitative and experiential impacts and overstates the benefits. In my view, it would lead to a low level of less than substantial harm to Linden House (by virtue of the intervening outbuilding) and a moderate level of less than substantial harm to The Mill House and The Old Mill. This would arise from the presence of built form behind, particularly on the rising ground, and in a suburban estate layout, as well as in terms of lighting, activity and movement from vehicles on the eastern access road and pedestrians on the perimeter walk; all of which would be erosion of the historic setting and rural qualities, diminishing appreciation of the vernacular buildings within their surroundings.

Harrock House

The applicant finds some limited harm to the setting of the grade II* listed Harrock House [2.28, 2.35 HIA] through 'some diminution of the wider rural setting' but in carrying out an 'internal balancing' exercise it concludes this is balanced by perceived benefits and will result in no harm. This is flawed for a number of reasons. As above it relates to the understanding of the setting's contribution to significance, but also relates to critical gaps in the baseline understanding of its history and evolution which inform its significance. It also greatly overplays the perceived heritage benefits. The SoS identifies Harrock House Lodge as a non-designated heritage asset [3.29], but fails to assess impacts on it as part of the HIA.

Since the submission of the application, additional information has come to light regarding the importance of the rectory and its associated glebe land, which includes the site. The public representation from Harrock House and Historic England's consultation response both elucidate well the historic interest and the ways in which the site contributes to that significance as part of the former glebe land.

The 18th century map, not reviewed as part of the SoS or HIA, shows the existing straight northsouth access to Harrock House, internal subdivision of the

application site, and the extent of the glebe land around the moated house. Comparing this map with the 1940 aerials and more recent aerial photographs, shows the longevity of the landscape structure and character, with only minor change. This part of the setting of Harrock House, retaining its medieval landscape character, closely resembles the surroundings depicted in 1773.

The applicant emphasises changes depicted on two historic maps – the 1840 Tithe Map and the Second Edition OS map. If the access seen on the Tithe Map was ever implemented, it was short-lived. Notably, the lodge house, which appears on the First Edition OS from 1873-4, was placed on the historic access, unrelated to this new route. In any event, there is no evidence of what form this may have taken. (N.B. Other 'inaccuracies' have been noted on the tithe map. Given the purpose of such maps as administrative documents for tax collection, any inclusion or omission of features may not be of direct relevance). The 1840 apportionment identifies both field parcels within the site (1789 and 1790) as pasture, thus both providing a pastoral setting within the historic glebe land.

The Rev. Wordsworth was succeeded in 1846 by the Rev. Kingsmill. The Keep holds records relating to phases of alteration undertaken in 1851 by the Rev. Kingsmill and a further phase in c.1878-1884 under his successor the Rev. Gell. These have not been viewed or analysed as part of the SoS or HIA and may provide further context to the changes seen on the Second Edition OS map, a particularly important omission given the emphasis placed on related aspects of the proposed scheme. Whilst the shading on this map suggests only the western parcel was 'parkland', the eastern parcel would nonetheless have always been read in the same context and be seen as an extension of this. (It is perhaps worth noting that the registered parkland of Buxted Park is more extensive than the parkland shaded on any of the OS maps – demonstrating the potential for areas beyond 'formal' parkland to be integral to it.)

Critically, the importance of the glebe land in terms of the status of the rectory, its evolution and historic context, and consequently its role within the setting of this highly graded asset has not been appropriately understood. Further, the emphasis placed on the 19th century changes and later change of character of the site from 'parkland' (i.e. pasture) to arable with loss of the internal field boundary is overplayed. The weight afforded to reinstatement of a meadow to the western portion of the site has been greatly exaggerated, if there is any heritage benefit at all, in the context of development on the eastern part of the site. Whilst potential for heritage benefits from reinstatement of the 'parkland' was raised by myself as part of the informal response to WDC's pre-application enquiry, this related to the assessment by RPS which lacked essential rigour and was in the context of a question around the role of the site in the former parkland of Harrock House, without the benefit of a fuller understanding, and noting the new development would also be experienced within the new context of housing.

To my mind, the nature and extent of the changes is minimal in setting terms, with Harrock House still read in much the same surroundings, with its shared relationship to the glebe land forming a key part of its significance.

As a grade II* listed building, Harrock House is a 'particularly important building of more than special interest', with its conservation afforded a higher level of

‘great weight’ in the NPPF (Paragraph 205). The HIA fails to identify a level of harm to Harrock House, but in undertaking the ‘internal balance’ and relying on mitigation, clearly considers that there will be harm. In my view, the harm would fall in the upper half of the range of less than substantial harm, through considerable change to a part of the setting which is key to the significance of Harrock House, and its appreciation. Development of the eastern part of the field would reduce legibility of the full extent of glebe land, and erode the rural qualities of the area, thereby undermining the importance of the setting to this grade II* listed building. This would be readily apparent in views from Harrock House over the site, from the garden and its environs, and in views towards Harrock House within the public realm, from the A272, and from the new development. The proposed development, presenting a hard edge to the west, with a modern suburban estate style layout beyond, as well as associated lighting, movement, activity and noise in this key part of the setting of Harrock House, would fail to preserve the setting of the grade II* listed building and cause harm to its significance.

In terms of Harrock House Lodge, a non-designated heritage asset of some significance, the level of harm would be lower, but nonetheless should be taken into account in terms of Paragraph 209 of the NPPF. The lodge has group value with Harrock House, and draws much of its significance via setting from the relationship with the A272, the access to Harrock House and the former glebe land to the east.

The suggestion that the design mitigates any harm is entirely without merit. Introduction of the ‘view cone’ from the eastern part of the site, in the context of new development is meaningless; so too is the suggested benefit of artificially re-creating ‘parkland’ based on a map, at the expense of the authentic rural setting within which the grade II* listed building can still largely be experienced. As the contribution that setting makes to significance does not depend on public access, it is difficult to see how providing public access and artificially experienced views of Harrock House in the way suggested could be considered as a benefit.

Hogge House

The HIA finds in favour of no harm to the significance of Hogge House, by virtue of ‘a substantial area of open, rural character’ between the new housing and Hogge House (HIA 2.68 - 2.69). Whilst the proposals would retain open space on the western part of the site, this open space would not appear ‘substantial’ and as set out above, would be read in a much different way to the current transition at the edge of Buxted. The HIA also does not appear to take into account any environmental impacts of a new development of this size and character (e.g. lighting, etc), or any associated impacts such as loss of the boundary hedge/alterations to the bank on the A272, provision of bus stops in both directions, or widening the pavements which would further urbanise the surroundings.

The SoS acknowledges that the wider rural surroundings, including the site, contribute positively to the significance of the listed building. It acknowledges practical advantages of the relationship with the road network and location between the two important iron-working sites at Iron Plat and Hendall Furnace

which relate to the site. In acknowledging the relationship between Reverend Levett and Ralph Hogge, the proximity of Hogge House to Harrock House, and any as-yet unsubstantiated iron-working there by Parson Levett [3.26 and 3.63 SoS], is interesting.

In my view, the proposed residential development of the site would reduce the contribution that the wider setting makes to the significance of Hogge House by urbanisation of the rural landscape within which this property has historically been associated. The level of harm would be at the lower end of less than substantial.

WWII Pillboxes

Finally, the HIA identifies benefits in relation to the unlisted pillbox(es) in terms of enhancing or better revealing significance. There is some general confusion throughout the application documents as to whether there are one or two pillboxes, and whether these sit within or outside of the site boundary. For clarity, there are two pillboxes within the application site. In its discussion of the assets, the SoS and HIA appears to conflate the two pillbox structures as one. The SoS focuses principally on the southern pillbox (MES19273) seen in Plates 7 and 8 and which historically would have been on a more open edge of the site (SoS 2.50). This is rectangular/square on plan with slight chamfered corners to the brick walls, and only appears on the GTA survey drawings (11723/1100 P2 and 11723/1600 P2). All of the other plans show only the northern pillbox (MES19274) which is an irregular hexagonal structure with concrete shuttered walls which sits within the woodland at the north-east side of the site. It is this latter element which appears to be referred to in the HIA (2.20-2.23).

Notwithstanding this confusion, the SoS makes only a very cursory assessment of the significance of one of these structures [3.6-3.10] finding a low degree of architectural and historic interest, and only a limited group value with the publicly accessible pillbox in Buxted Park (MES19271), omitting to assess any contribution made by setting. In this context, the portions of its setting which most greatly contribute to its significance would be the river corridor and Buxted Bridge to the east and south-east, which was the reason for their existence here. The southern pillbox has a closer relationship to the mill leat and sluice and was historically more open to the river corridor; whereas the siting of the northern pillbox within Parsonage Wood would have helped to camouflage its presence (see 1940s aerials). Although the immediate surroundings to the west are not a key contributor to the significance of these non-designated heritage assets, they would provide the ability to experience and appreciate the significance of the assets under the twin roles set out in GPA3. As such, the proposals within the site have the potential to impact on the setting and significance of these non-designated heritage assets.

In failing to account for both pillboxes or consider the contribution that the site makes to their significance through the twin roles of setting, the HIA does not adequately consider the impacts on these assets and overstates the perceived benefits. In particular, I cannot see how re-engineering setting with banking, built-up path structure, and attenuation ponds (and perhaps the surface drainage discharge) in very close proximity to the southern pillbox could be seen to

enhance its particular setting. In addition, there is not enough detail in the application to say what type of use or access would be afforded (internal, external, or both) or what impacts might arise with increased accessibility, including whether any alterations are required to the structures themselves or their immediate setting in close proximity to the mill leat and sluice. I note the structure in Buxted Park is fully open and accessible, but some way from the river corridor on a relatively flat plain, which is not the case within the site. It would also be beneficial to understand what management issues, if any, are presently faced in the park with the public access.

I also note from the Ecological Statement that the pillboxes offer suitable opportunities for roosting bats (5.3.19). Any reliance on these structures towards BNG could be negated by increased public access.

It would be possible to secure recording and a management plan for the structures as part of any consent, which would be of a limited heritage benefit. However, the linkages with the publicly accessible pillbox in Buxted Park, on land outside of the applicant's control and across the busy A272, are tenuous and would be somewhat artificial given the historic function of the structures as generally camouflaged and inconspicuous. The small number of features which would be 'linked' in this way - i.e. with public access and interpretation at 2 of the 4 structures which formed the main concentration of defences at Buxted - would be limited in terms of any coherency of a continuous defensive line or the larger ensemble along the GHQ stop line. Although the Buxted Park example is said to be 'unusual', presumably in its form (type 28), and there is another unusual survival at Howbourne Farm north of Buxted (MES17213), the pillboxes within the site are of standard and common forms (condition unknown). The fact that two different types (24 and 28) survive together within the site, does add somewhat to their group value. Accordingly, their conservation could constitute a minor heritage benefit.

That said, any limited benefits identified would not be outweighed by the unsympathetic changes in the immediate surroundings of these pillboxes, and especially the southern pillbox.

In my view there would be an adverse impact on the low level of significance of the pillboxes. With more sympathetic changes to their immediate settings, additional information and appropriate conditions to secure recording, details of any repair or other works, a management plan and appropriate scheme of interpretation, the low level of harm to non-designated heritage assets of low significance could potentially be sufficiently mitigated/balanced in terms of paragraph 209 of the NPPF.

Heritage benefits

The references throughout the HIA [1.17, 2.83 and 3.6] to the internal balance and double counting of heritage benefits in undertaking the tests in the NPPF, suggest equating these heritage benefits with public benefits. The 'internal balance' has been applied to both Harrock House [2.35] and Buxted Park [2.62], apparently equating the proposed amenity space on the western part of the site, as a heritage benefit on par with public benefits. At Paragraph 20 the PPG

clarifies what is considered a public benefit and provides a list of examples of heritage benefits. As set out above, I do not accept the implication that the proposals would sustain or enhance the significance of these heritage assets and the contribution of their settings, such that it should be considered a heritage benefit.

Conclusions

In keeping with statutory requirements, special attention has been given to the desirability of preserving the listed buildings, or their settings, or any features of special architectural or historic interest which they possess; and preserving or enhancing any feature, quality or characteristic of the registered park and garden or setting that contributes to its historic interest.

The NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. 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 more important the asset, the greater the weight should be. The NPPF also requires Local Planning Authorities to look for opportunities for new development within the setting of heritage assets to enhance and better reveal their significance, and places great importance on development being of good design and responding to local character to ensure its integration into the existing environment.

Where harm to designated heritage assets is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, and this planning balance is for the planning case officer to consider. Paragraph 209 of the NPPF dictates that that effect of the application on the significance of non-designated heritage assets should be taken into account in determining the application as a whole.

The potential for heritage benefits arising from the scheme is limited, and related to the non-designated pillboxes. This would not outweigh the harm caused by the proposal as a whole. As such, the proposals would not satisfy the aims of the NPPF as regards the conservation of heritage assets, nor would it 'preserve' the significance of the assets or their settings, including one grade II* listed building, one grade II* registered park and garden and four grade II listed buildings. The adverse impacts of the proposal on three non-designated heritage assets should also be factored into the planning considerations.

WDC Drainage Engineer

Summary

One response received (10 November 2023)

NO OBJECTION

Flood Risk

The site lies wholly within EA Flood Zone 1 apart from a very small area in Flood Zone 3 along the eastern boundary of the site. Since development is confirmed to the Flood Zone 1 area, the sequential test is met and the exception test is not required. The site does not appear to be at risk from tidal, or sea flooding or from failure of a drainage asset such as a canal or reservoir. The majority of the site is at low risk of fluvial flooding except for the area along the eastern boundary. The majority of the site is at very low risk of flooding from surface water except for the area along the eastern boundary. Groundwater was recorded between 1.36m and 2.49m below ground level during a three week, spring monitoring period.

There are no watercourses or ponds within the site. The River Uck and an associated channel (possibly a former mill leat) and its floodplain abuts the eastern side of the site. A chain of ponds linked by an ordinary watercourse abuts the northern boundary of the site and there are other ponds in the vicinity. There is an existing network of land drains.

There are records of flooding of the properties north of the A272 by the River Uck close to this location.

The Geological Map states that the centre majority of the site is on the Wadhurst Clay Formation of mudstones. The western end of the site is on the Lower Tunbridge Wells Sand Formation of sandstones, siltstone and mudstones. The eastern end of the site is on the Tunbridge Wells Sand Formation of interbedded sandstones and siltstones. Superficial deposits of Head comprising clay, silt, sand and gravel overlie the Wadhurst Clay, while Alluvium deposits of clay, silt, sand and gravel overlie the eastern end of the site.

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 rivers and ponds on the surface nearby suggests that this may not be a usable solution for this site. Infiltration testing has been carried out and the results were too poor to support the use of soakaways.

Road and drive water is to be stored in the lined base of the permeable paving. Water from here and the roof water will be conveyed in a piped drainage network to discharge into two linked attenuation ponds located in the open space at the east of the site. The discharges from here will be limited to the Q-bar rate of 7.3 l/s via a flow control device. The outfall is via the existing land drainage outfall in the north-east of the site. I would wish to see evidence that this pipework and outfall are capable of taking the flows from the site. Given the condition of many such field drains, it may be more economic to provide a new outfall.

In considering the drainage principles proposed for the site, the Lead Local Flood Authority, ESCC, will require hydraulic calculations which prove that the final

design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus 45% climate change allowance. The calculations should be on the basis that no infiltration occurs from the permeable paving.

A draft maintenance plan is provided. The full maintenance plan will be required when the drainage design is finalised and before first occupation. Apart from the individual household areas, I note that the maintenance activities for the surface water drainage system are to be undertaken by parts of the system being adopted by Southern Water with the remainder being maintained an estate management company. Southern Water are usually reluctant to adopt surface water systems in this area.

Notes

Any new outfall or 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 may be granted.

Provision of the foul sewage arrangements is for Southern Water to comment on.

Conclusion

In my opinion, the information provided within this application is adequate for this application subject to the caveats mentioned above. If you are minded to allow planning permission, I would wish to see a condition applied to any planning permission granted

Officer note: The suggested condition can be viewed on the response on line.

WDC Biodiversity and Arboricultural Officer

Summary

One response received (14 March 2024)

NO OBJECTION

Submitted Ecological Information

The submitted ecological documents accompanying and informing the application have generally been undertaken to best practice standards (e.g. CIEEM guidelines for preliminary ecological appraisal 2017). These include:

- Preliminary ecological appraisal document (PEA) dated 6 July 2021
- Phase 2 Ecological Surveys dated 26 October 2021
- Ecological Assessment, dated October 2023
- Ecological Assessment Addendum, dated January 2024 (addressing ancient woodland and drainage)

Protected Species

A number of protected species surveys have been undertaken in submitted ecological documents and considered as part of proposals. These include hazel dormice, bats and great crested newt, reptiles and use of the site by other mammals.

Hazel dormice presence was established onsite through survey and that a Natural England EPSM licence will be applied for. The ecological reports includes outline of mitigation and compensatory strategy, which includes timing for works, vegetation clearance methodology and compensatory planting. This would be capable of including limited hedgerow removal along roadside at proposed site entrance (currently a low closely cut native hedgerow). Extensive semi-natural habitat is proposed as part of proposals, including native hedgerow, scrub, trees and mosaic ancient woodland buffer planting. Comments concerning species composition of entrance boundary hedgerow are provided below.

The East Sussex GCN Officer provided consultation on the scheme and raised a number of matters relating to age of survey and un-surveyed pond bordering the site; It is understood the application will be entering great crested newt district level licence scheme.

The ecological report found that given the paucity of much of the application site (with regard to bat foraging and commuting), it is considered that the any interest for bats is limited to the boundary features. These are not proposed to be directly impacted by the scheme and the proposals include native buffer planting on boundaries. The two pill boxes onsite were identified as moderate bat potential and recommendations provided. A sensitive lighting regime is also recommended, as is ensuring dark corridors/boundaries post development, minimising light spill into key areas and maintain foraging and navigation. A suitable lighting condition is recommended below.

Other precautionary methodologies and timings are recommended for protection of other species, including nesting birds and mammals. A wildlife management plan condition is recommended below.

Ancient Woodland, Irreplaceable Habitat

The site includes and borders ancient woodland (AW) in its northeast corner. This includes areas of wet woodland following the course of the stream on the site's east side and fishing lake and woodland on its north side. Ancient woodland is defined as an irreplaceable habitat in the National Planning Policy Framework Dec 2023. The development does not propose direct impact to ancient woodland and proposes a 15 metre buffer zone between new development and ancient woodland edge. The current condition onsite is open arable field edge directly into ancient woodland bordering this. The interface is currently unlit and relatively undisturbed (the low level of fishing activity on the northern edge is noted).

Amended planting plans for the site include a proposed 15-metre ancient woodland buffer zone consisting of approximate half the width filled with native

woodland mix (consisting of native shrubs and trees). The other half of the buffer is proposed wildflower grassland planting with, in part, scrub planting, and standard native trees. Beyond the proposed 15 metre buffer line there is proposed public footway and in places further soft landscaping.

It is noted there is a WWII pillbox in the ancient woodland edge on the eastern edge of the site, within site boundary. Currently there is no public access to the pillbox or AW at this location. Mown path is proposed to pillbox on landscaping/planting plans and the proportion of woody planting in the AW buffer at this location significantly thins and proposed AW buffer is largely proposed of grassland. This would increase direct and indirect impacts upon the ancient woodland including trespass into woodland, soil compaction and root damage, removal of deadwood, possibly fire, noise, light, litter and no sufficient barrier to pet access and predation. It is recommended proposed access route through AW buffer into edge of AW is removed and sufficient shrub/woodland planting and standard trees proposed as is to the NNW of this location. It is understood there is a further unidentified pillbox located outside of ancient woodland onsite. I note the ecological report identified potential for bat roost in the pillboxes and recommends preventing public access. Plans do not appear to include fence between development and ancient woodland. It would be expected that a fenceline, such as post and rail fence, would be included to deter public access where there is none previously, especially whilst AW buffer zone planting is developing.

Current access to the fishing lakes to the north of the site is due to be retained; therefore proposed informal path access (retaining existing access) through ancient woodland buffer is deemed acceptable at this location.

Invasive species were identified in the ancient woodland and there is potential for woodland management that would benefit its condition. A landscape and ecological management plan (LEMP) condition is recommended to include ongoing woodland management within Parsonage Wood within site boundary.

An ecology assessment addendum report has been submitted to address potential ecological implications of drainage into onsite and adjoining AW. An existing drainage system is present onsite as shown on pipework plans submitted by the agent. The location of drainage outfall is currently within ancient woodland. This was seen onsite by WDC biodiversity officer and case officer. Potential adverse AW impacts have been identified in the report, including increased runoff rates (scouring/erosion/damage to ground flora) and changes in water quality (pollutants/nutrients). The report confirmed the run-off rates will be limited to existing greenfield run off rates as per the current situation and will utilise existing drainage channel in AW. Proposals include measures to control water quality and treatment of pollution. Two SuDs are proposed to capture silt and pollutants with surface water from the southern half of the site passing through both SuDs ponds. The report also highlights existing condition of the drainage onsite where there are no barriers between crop production agricultural land sloping towards AW where sediment, pesticide and herbicide baseload are likely present. Considering the proximity of irreplaceable habitat and direct hydrological links proposed, it appears reasonable to request inclusion of additional chemical

interceptor/downstream defender into drainage proposals. This would help to provide assurance of no degradation of AW in short and long-term.

Impact upon Ecological Network

The site is in a relatively important location within the local ecological network. It borders Buxted Park SSSI to the south (bisected by road A272), ancient woodland to the north and riverine corridor of the River Uck and associated mosaic habitat to the east. Within the site boundaries, the site is a large open field with limited onsite ecological connectivity, bar the included AW to the east which forms part of a south-north wooded corridor. Proposed ancient woodland buffer planting reinforces and buffers the existing limited connectivity on the east of the site.

The centre of the site, between proposed development area and field included in the application to the west, is proposed to be partially planted with a linear width of woodland consisting of native woodland scrub and tree species, with scattered line of Scots Pine within this. I understand this is largely to mimic historic planting on the site, as per Design and Access Statement page 35, however it would be of clear ecological benefit if this woodland corridor joined up to the ancient woodland and mature tree lines to the north of the site, located a further 100 metres away across proposed grassland. However it is noted the proposed edge of development, just to the east of here, (ref planting plan 2) includes a narrower width of scrub and native tree planting, providing a link that was not previously there. Any further proposed enhancement to this wooded corridor would be certainly welcomed.

The A272 boundary of the site is currently very open with hard cropped native hedgerow. The planting scheme proposes native scrub with crab apple however large native tree species are lacking along this interface, such as those on the opposing side of the road in Buxted Park SSSI. Without prejudice, I would suggest large native tree species, such as pedunculate (English) oak are proposed along the road frontage to help screen the development and also provide much needed green infrastructure and contribute to ecological connectivity. The proposed roadside specimens of Chinese Red Birch and Himalayan Birch should be replaced with native and species that enhance rather than degrade local landscape. The road-fronting hedge of extensive hedge consisting of Ebbing's Silverberry, a Chinese/Korean species, is of negligible biodiversity value and also negatively impact local landscape character; this should also be suitably replaced with locally distinctive species, e.g. native hedgerow, as existing (ref planting plan 5). I note section 4.1.11 of the phase two ecological report that also recommends: 'Compensation for the loss and fragmentation of suitable dormouse habitat through planting of a new native species-rich hedgerow along the newly created development boundary, is recommended'.

Biodiversity Net Gain

As per section 180 of the National Planning Policy Framework 2023 and policy WCS12 Biodiversity of the Wealden District Core Strategy Local Plan 2013, development should provide biodiversity net-gain that is integrated as part of their

design. The site has a relatively low biodiversity baseline value comprising largely of low diversity cultivated/disturbed arable land with narrow boundaries of semi-improved rough grassland. Development proposes tree planting, native hedgerow, aquatic features (two SuDS), wildflower grassland, AW buffer zone of mosaic habitat and woodland/scrub planting. The application was submitted prior to mandatory biodiversity net-gain requirement for major applications. Whilst no biodiversity net-gain report or BNG metric have been submitted, it is clear the development would result in provision in a substantial level of biodiversity net-gain.

Recommendation

It is recommended the above underlined matters are resolved:

- Removal of access to ancient woodland and AW pill box, re-instatement of buffer zone at location and fencing of ancient woodland (e.g. post and rail).
- Amendment of roadside boundary/entrance planting – removal of non-native species and inclusion of standard native tree species at roadside (e.g. English oak).
- Joining up of north-south woodland corridor to ancient woodland with additional native tree planting through the north central part of site.
- Inclusion of additional chemical interceptor/downstream defender into drainage proposals.

Recommended Conditions

- NC09 Nature Conservation - Implementation of biodiversity enhancement as in Ecological Survey Reports.
- NC08 Nature Conservation - Wildlife Management Plan.
- EL02 External Lighting - No Floodlighting (B).
- Submission of GCN DLL certificate; application of standard GCN DLL condition(s).
- A suitably worded landscape and ecological management plan (LEMP) condition. To include woodland management of ancient woodland Parsonage Wood.

Environmental Health

Summary

One response received (2 November 2023)

NO OBJECTION

Potential Land Contamination

The GGP5 database records a narrow strip of land designated as 'Unknown Filled Ground (Pond, marsh, river, stream, dock etc),' immediately adjacent to the east side of the application site and Buxted Waste Water Treatment Works

approximately 175m east of the north east corner of the site. I am not aware of any historic use of the land that might present a significant risk of ground contamination.

Air Quality

As noted above, the Buxted Waste Water Treatment Works at its closest lies 175m from the application site. At that distance it is likely that the risk of odour being a significant issue for the development and of the Southern Water asset being adversely impacted by the site if developed is relatively low. No odour risk assessment has been submitted but Southern Water will be better placed to judge this risk and to know of any history of odour complaints related to the Buxted WWTW.

As this is a major application, the Air Quality and Emissions Mitigation Guidance for Sussex (2021) is relevant to the development. I would ask for the following condition to be imposed:

1. Prior to commencement, the applicant shall undertake an Emissions Mitigation Assessment and an Air Quality Assessment in accordance with the guidance in the Air Quality & Emissions Mitigation Guidance for Sussex (2021).

Noise

The submitted Master Plan indicates that the residential accommodation on the south side of the proposed development, facing the A272, will be set back at least 20m from the edge of that road. However, I would still expect a noise impact assessment to be provided that will demonstrate whether any mitigation is required for habitable rooms on the south façade of the southernmost properties and to specify appropriate glazing and ventilation strategies if necessary. For that reason I recommend the following condition:

2. Before preparation of any groundworks or foundations for the dwellings hereby approved, a noise impact assessment considering road traffic noise from the A272 and noise from the Buxted WWTW shall be provided.

Given the proximity of some areas of the site to existing residential development I recommend the following conditions for attachment to any consent that may be granted:

Construction Working Hours

3. During the site preparation and construction phases no audible works or deliveries/removals shall be undertaken other than within the times Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays or Public/Bank Holidays.

Control of Construction Impacts Including Noise and Dust

4. No work shall be carried out on site for the development hereby approved, until full written details for a Construction Environmental Management Plan (CEMP)

Lighting

5. 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.

Wealden Housing Service

Summary

One response received (10 November 2023)

NO OBJECTION

Thank you for consulting the Housing Service on this application. The Housing Service would like to comment as follows.

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. 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 49 dwellings, an affordable housing provision will be required.

Policy AFH1 of the Affordable Housing Local Delivery Plan 2016 requires a 35% affordable housing contribution. The Application acknowledges this by proposing a policy compliant 17 units of affordable housing to be provided on site.

The application proposes that the tenure mix will be 14 homes for rent and 3 homes for shared ownership. However, 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 at a capped price for the initial sale and are discounted by a minimum of 30% of the open market value for future sales. This will impact on the overall tenure split and to be policy compliant the mix would need to be 4 First Homes and 13 Social Rented Units.

It is proposed that the affordable units will be made up of 9 x 2 bed houses and 8 x 3 bed houses. A recent breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants' require is set out below:

For: Planning Committee North
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Bedrooms required	Number of applicants	Percentage of register
1 bedroom	439	47%
2 bedrooms	287	31%
3 bedrooms	160	17%
4 (+) bedrooms	42	5%
Total	478	100%

This is indicative of the need for smaller dwellings, especially 1 bedroom units. Whilst we are pleased to see a high proportion of 2 bed houses we would recommend that the mix includes a couple of 1 bedroom units which could be incorporated into the current design and provided as maisonettes. In respect of the First Homes these will need to be provided as smaller 1 or 2 bed units for affordability purposes and we would recommend that 3 of the 2 bed houses are designated for this purpose.

In terms of the design of the affordable units, we are pleased to see the generous proportions of the properties which exceed Nationally Described Space Standards. Also that it is proposed to install air source heat pumps to all of the units as many of our Registered Partners will not purchase properties where the main energy source is gas.

There is a shortage of affordable housing in Buxted itself and the surrounding areas. In addition to this, the rate of turnover of affordable homes there is very low which results in long waiting times for people that need affordable accommodation.

Applicants with; 1) a connection to the parish, or 2) a connection to an adjoining parish would be given preference over those with no connection to the area. The data in the table below is taken from the Housing Register. It shows the number of applicants currently seeking affordable rented accommodation in Buxted and the adjoining parishes.

Parish	Number of Applicants with a Local Connection.
Buxted	26
Crowborough	144
Maresfield	18
Framfield	8
Uckfield	177
Withyham	5
Hadlow Down	11
Rotherfield	19

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. In exceptional circumstances a commuted sum may be accepted in-lieu of the onsite provision.

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

Wealden Waste Management Team

Summary

One response received (16 November 2023).

NO OBJECTION

I have no objection to the proposed development; however, the following points need to be considered: Each dwelling should have adequate storage for 1 x 180 litre refuse bins and 1 x 240 litre recycling bin. Residents may also subscribe to the garden waste service for either a 140 or 240 litre garden waste bin.

Residents will be required to move the bins from a storage point within the boundary of the property, to a suitable collection point on the scheduled collection day. The collection point should be within 25 metres of vehicular access.

Swept path analysis has been provided showing the main access road into the development is suitable for a standard collection vehicle of up to 12 m in length. However, there are some concerns about two of the turning points. The turning head by plot 28 appears quite narrow and could be further restricted if cars are parked outside the adjacent car parking spaces. Looking at the plan there appears to be another turning head by plot 31. Although tracking has not been provided this looks to be wider. If suitable the collection vehicle could turn around here instead. Bins could be collected from a bin presentation point at the top end of the visitors' spaces opposite number 29. The turning head by plot 13 is also quite tight especially if vehicles were parked outside the adjacent parking spaces.

NatureSpace

Summary- one response received 17 November 2023 Further information required

Recommended Actions

The eDNA survey results are over 2 years old and considered to be out of date, therefore further information is required by either:

- Providing updated survey results (including WB5), in line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019). OR;
- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Wealden Council's District Licence.

Comments:

This planning application is for: ERECTION OF UP TO 49 NO. DWELLINGS, ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.] LAND NORTH OF THE A272, BUXTED, TN22 4BA

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 12 ponds within 500m of the development proposal. There are 5 ponds located within 10m of the northern boundary.
- There are great crested newt records within 50m.
- There is connectivity between the development and surrounding features in the landscape.



Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

Ecological Information

The applicant has provided multiple ecological reports, including Preliminary Ecological Appraisal Harrock Field, Station Road, Buxted, East Sussex (PJC Consultancy, 6 July 2021) which states: “further surveys of waterbodies WB2-WB5 and WB7 are therefore recommended to determine GCN presence/likely absence, which would inform any subsequent requirements for mitigation, compensation and/or licences to facilitate the proposed development.”

The report Phase 2 Ecological Surveys, Harrock Field, Station Road, Buxted, East Sussex (PJC Consultancy, 26 October 2021) states: “Due to access restrictions, the recommended HSI assessment of waterbody WB6 and recommended eDNA survey of WB5 could not be undertaken.” “The results of the laboratory eDNA analysis were received on the 10th and 24 June 2021; the full technical report can be found within Appendix V. Waterbodies WB2-WB4 and WB7 were identified as negative in supporting GCN DNA.”

An updated report, Ecological Assessment, Harrock Field, Station Road, Buxted, East Sussex (Ecology Solutions, October 2023) has been submitted and states the previous survey results are still valid.



Conclusion

The eDNA survey results are over 2 years old and considered to be out of date and will need to be updated in line with the CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019).

In addition to this, waterbody WB5 was not surveyed in 2021 due to access restrictions. There is a positive eDNA result from this area, therefore if updated eDNA surveys are conducted, there should be an attempt to access this pond. If the pond cannot be accessed, presence should be assumed as a precaution.

Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021),

there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Wealden Council's District Licence. This method of licensing often removes the need for survey work and onsite mitigation for great crested newts as it provides compensation habitats off site. This would provide certainty to the applicant, as their licensing route can be determined within 10 working days at any time of the year (more details can be found at www.naturespaceuk.com); or
- Provide updated survey results in line with Natural England's Standing Advice, to rule out impacts to great crested newts*, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals**

*i.e., to show that any ponds within 500m are not suitable for great crested newts and/or show how any potential impacts can be avoided.

*To do so, surveys to determine presence/likely absence and population size class assessments may need to be undertaken by a suitably qualified ecologist in accordance with Natural England's Standing (Great crested newts: advice for making planning decisions – GOV.UK) (and if using eDNA surveys, the Great Crested Newt Environmental eDNA Technical Advice Note (Natural England 2014)). If GCN are identified, appropriate mitigation and compensatory measures will need to be identified to satisfy planning.

Officer Note: NatureSpace provided information on Legislation, Policy and Guidance at the end of their consultation response this can be viewed on the Council website

East Sussex Fire and Rescue Service

Summary

One response received (26 October 2023).

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.

The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023.

3. Relevant Planning History

No relevant planning history.

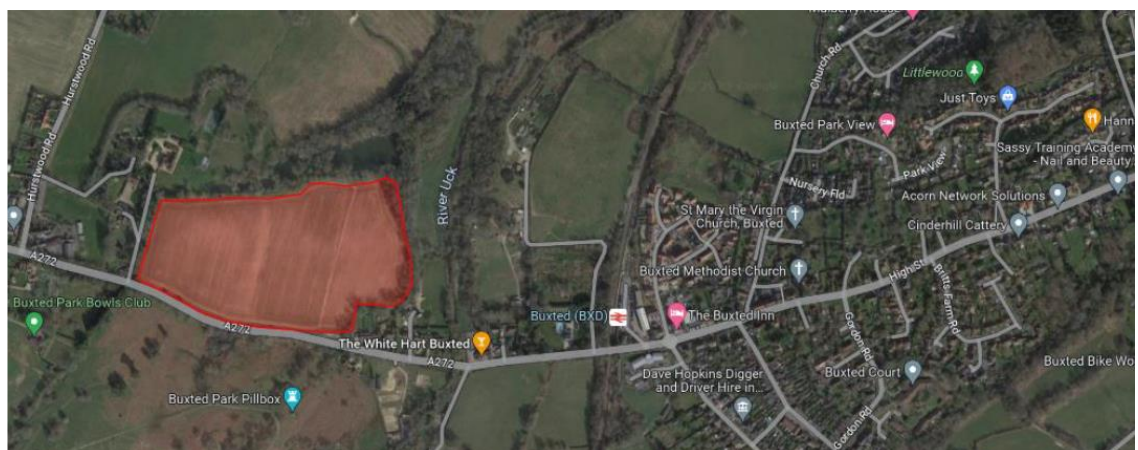
4. Details of Case

The Application Site

The application site is currently an open arable field adjacent to the A272 in Buxted. The A272 includes a footpath along the site frontage that links the village to the primary school to the west. To the south of the A272 is Buxted park. Buxted Park is a Grade II* Registered Park and Garden and Site of Special Scientific Interest. The site is outside of the adopted development boundary for Buxted.

The site has existing residential development to the southeast in the form of linear development which continues into the village centre. Within this group are Linden House, The Mill House, and The Old Mill all of which are Grade II listed buildings. Between the site and the rear gardens of the dwellings to the south east is an area of land covered by a Tree Preservation Order.

To the west, beyond the treed boundary of the field, there is residential development at Harrock House (Grade II* listed building), Harrock House Farm, Harrock House Barn, Little Gables and Harrock House Lodge (a non-designated heritage asset), the latter two are adjacent to Buxted C of E Primary School. The field has a treed boundary to the north which extends into woodland (known as Parsonage Wood which comprises Ancient Woodland) and fishing ponds in the northeast. The eastern boundary is also wooded forming part of the corridor of the River Uck where there are 2 World War II Pillboxes (non-designated heritage assets). To the northeast of the River Uck lies the Buxted Waste Water Treatment Works (around 141m from the site boundary).



Aerial view of the site (shown red) from the Planning Statement

The sites topography slopes from the north west to the south east (around 10m) the site (and all proposed development) is within flood zone 1 although a small section of the site in the east does fall into flood zones 2 and 3.

There are no public rights of way within the site the nearest being those leading through Buxted Park to the South. The site is within the Low Weald with regards to the adopted 1998 Wealden Local Plan.

The site was put forward in 2020 as part of the second local plan call for sites (ref: 1102/1840) The site has now been assessed under the Draft Interim Sustainability Appraisal (SA) for Full Council. The assessment of the site in the SA concludes that *'The site is not taken forward for allocation as it is considered the significant harm development of this scale would cause to the heritage assets cannot be suitably mitigated'*. Since the drafting of the SA, the comments from Heritage England and the Councils Heritage Officer have confirmed that the proposed development would result in less than substantial harm (see Heritage section of the report).

The Development Proposals

Full planning permission is sought for the development of part of the application site for the provision of 49 houses to include 35% affordable housing provision.

The proposed development comprises the erection of 49 residential dwellings, the proposed housing mix is as follows:

Private Market Housing, 18 x three bedroom houses ,11 x four bedroom houses and 3 x five bedroom houses. Total 32.

Affordable Rented Units, 9 x two bedroom houses and 8 x three bedroom houses. Total 18.

Overall Total 49 units.

The proposed development seeks to provide a landscaped area to the west of the proposed development set along the line of an historic field boundary detailed on historic mapping of the area.

The development would provide sustainable drainage systems for surface water, areas of open space and play space and a buffer for the ancient woodland. The submissions detail the soft landscaping proposals and details of the design of the proposed development, which is all two storey and is based on the traditional Wealden Vernacular.

The Planning Statement (paragraph 3.2) states 'The development has been submitted as a full scheme to ensure that the site can readily contribute to the Council's five year housing land supply swiftly and to provide certainty that a high quality development is secured given the site's positioning relative to heritage assets'. The applicants have set out they would be willing to accept an 18 month time limit for commencement (discussed within the Officer report).

The application includes details for the full assessment of the proposed development and the submissions include:

- Statement of Significance

For: Planning Committee North
Date: 18 April 2024

- Historic Impact Assessment
- Archaeological Desk-Based Assessment
- Flood Risk & Drainage Assessment (updated Jan 2024)
- Transport Statement & Travel Plan Statement
- Stage 1 Road Safety Audits (May 2023 and March 2024)
- Technical Note Response to Highways Comments
- Updated Stage 1 Road Safety Audit: Designers Response Report
- Odour Assessment
- Planning Statement
- Design & Access Statement
- Tree Survey and Arboricultural Interrogation Report
- Landscape and Visual Impact Assessment and Landscape Strategy Plan
- Preliminary Ecological Appraisal
- Phase 2 Ecological Surveys
- Ecological Assessment
- Ecological Assessment Addendum
- Ecological Response NatureSpace and Great Crest Newts
- Sustainability & Energy Statement

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)
- Hailsham Neighbourhood Plan Final Version 21 July 2021
- Hellingly Neighbourhood Plan July
- Herstmonceux Parish Neighbourhood Plan Adopted July 2019

The Council is proposing a new Local Plan for the period to 2040. Consultation on the Plan will run 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.

EIA and HRA

With regard to the Environmental Impact Assessment Regulations 2017, the development proposed falls within Schedule 2 category, 10(b) - urban development project. Although the thresholds are not met, as the overall area of

the development would not exceed 5 hectares and the development is under 150 units, therefore the scheme is not considered to be EIA development

The Council has engaged with the Habitats Regulations 2018, noting the proximity of the site to the Ashdown Forest SPA and the local planning authority's role as competent authority under regulation 63 (Likely significant effect upon the designated areas). Considerations under the HRA are set out later in the report.

Relevant Policies

The National Planning Policy Framework (NPPF) in force from 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, 38, 47, 55, 56, 57, 60, 64, 66, 74, 75, 81, 96, 97, 102, 104, 108, 109, 110, 114, 115, 116, 123, 128, 135, 136, 139, 158, 158, 165, 173, 175, 180, 182, 186, 188, 194, 195, 200 – 214 and 225 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.

- Saved Policies GD2, EN1, EN2, EN8, EN12, EN14, EN27, EN29 DC17, TR3, TR16, LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.
- Policies WCS5, WCS7, WCS12, WCS13 and WCS14 and Spatial Planning Objectives SPO1, SPO7, SPO9, SPO10, SPO13 and SPO15 of the adopted Wealden Core Strategy Local Plan 2013.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapters 2, 3, 4, 5, 7 and 8

Principles of Development

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), Hailsham Neighbourhood Plan July 2021 and the Hellingly Neighbourhood Plan July 2021, none of these being relevant to the application site.

The application site is located outside the defined development boundary for Buxted and within the Low Weald landscape character area.

Harrock House (Grade II*) listed building lies to the north-west of the application site), Buxted Park (Grade II*) Registered Park & Garden lies to the south of the application site, and the group of Grade II listed buildings Linden House, the Mill House, and the Old Mill are east/south-east of the application site. Hogge House (Grade II) listed is west of the site. Harrock House Lodge to west of the site and the Two WWII pillboxes located within the site are non-designated heritage assets. The site is within the wider rural setting of these heritage assets.

The north-western corner of the site is within Flood Zone 2 and 3.

To the north/northwest is Parsonage Wood designed Ancient Woodland.

The site lies within the 7km zone of influence to the Ashdown Forest.

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. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

To maintain the supply of housing, local authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test (HDT) indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, there are policy consequences in paragraph 79 of the NPPF.

The Council has a HDT result of 78% delivery against its housing requirement for the HDT measurement for 2022. This calculated figure has resulted in a 20% buffer being applied to Wealden's five-year housing land supply requirement. Due to the HDT result from the 2021/22 monitoring period, the Council was required to produce a Housing Action Plan.

As at December 2023, the Council calculated it has extant permission (or a resolution to grant planning permission) for 5,513 (net) dwellings on identified sites that are considered available, suitable and achievable now for the five-year period, which is some 1,687 (net) dwellings less than the 7,200 (net) dwellings required to be deliverable (inclusive of a 20% buffer). On the AMR, this equates to 3.83 years of housing land supply. The Council is working towards demonstrating a 4 year supply in line with paragraph 226 of the NPPF.

Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a five-year supply

of deliverable housing sites, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. The presumption in favour of granting planning permission under Paragraph 11 of the NPPF does not automatically apply where Footnote 7 of the NPPF applies, and policies of the NPPF provide a clear reason for refusal. However, the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development.

Principle of Development

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

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

Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013.

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

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

The development boundary for Buxted has been retained as the village has been categorised as a Local Service Centre. Paragraph 3.6 of the Core Strategy 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 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 Core Strategy Local Plan 2013

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 Buxted as a suitable location for development..

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 adopted settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

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 49 dwellings is not large in this context it is not considered to be significant having regard to the fact the Core Strategy Local Plan 2013 has already considered rural areas as being capable of accommodating additional development outside of development boundaries.

Having regard to the above, it is considered that the development would comply with the spatial strategy of the Core Strategy in principle as referred to above in the report under Principle of Development. It is also noted that the new local plan will have to contemplate significantly higher housing requirements than those within the withdrawn local plan. The strategic options as to where development should be accommodated within the district will be considered as the new local plan progresses, however whether or not the site is proposed as an allocation in the new local plan, having regard to the overall quantum of housing development that will be required across the district, it is considered that having regard to test

(a) under paragraph 49 of the Framework, a grant of planning permission for 49 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 (draft Regulation 18 new 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.

Discussion

Heritage

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 National Heritage Act 1983, via section 8C of the Historic Buildings and Ancient Monuments Act 1953, established the power to create the Register of Parks and Gardens of Special Historic Interest in England. Inclusion on the register is a material consideration meaning that local planning authorities must take into account the historic interest of the site when determining whether or not to grant permission. Section 102 of the Levelling Up and Regeneration Act 2023 introduces a statutory duty to have special regard to the desirability of preserving or enhancing 'a relevant asset' or its setting. For parks and gardens, as relevant assets, preserving or enhancing includes 'any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset'. Significance in relation to 'a garden or other area of land' included on the register is defined as the 'special historic interest'.

The NPPF at paragraph 205 identifies: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

NPPF paragraph 209 identifies: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Paragraph 200 of the NPPF states: ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary’.

The application has been supplemented with a Statement of Significance (SoS) report which has informed the Heritage Impact Assessment (HIA). The SoS describes built heritage with a focus on the settings of nearby heritage assets. The SoS report benefits from a site inspection carried out in August 2022 and sets out the historical background of the site and its surroundings, providing a description of the site and its relationship with nearby heritage assets.

Paragraph 1.8 of the SoS notes that the methodology set out in Historic England’s ‘The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3’ (Second edition, December 2017) (‘GPA3’), has been utilised to consider how the site in its current form contributes to the significance of nearby heritage assets through its contribution to their settings.

The report refers to built heritage matters and focuses on the settings of nearby heritage assets particularly Harrock House (a Grade II* listed building to the north-west of the application site), Buxted Park (a Grade II* Registered Park & Garden to the south of the application site), and the group of Grade II listed buildings to the east/south-east of the application site (Linden House, the Mill House, and the Old Mill).

The listed heritage assets near the site are shown on the below magic map excerpt. With regard to listed buildings yellow is Grade I, Blue is Grade II* and red is Grade II. Buxted Registered Park and Garden is shown in pink with yellow hatching.



Site in context of listed buildings.

The SoS report explores how new development on the application site could seek to minimise harm and maximise enhancement to the significance the effects on the settings of the identified heritage assets with the purpose of informing the direction of the proposed development. The report notes that it will be supported by a HIA to assess the effects of the proposed development on the significance of nearby heritage assets through the effect on their settings.

Together the SoS and the HIA aim to inform the Council how the heritage value of the site has been fully considered in the formulation of the proposed development.

Paragraph 1.14 of the HIA sets out the authors considered view that the application scheme would:

- Enhance or better reveal the significance of the non-designated pill box within the site boundaries;
- Preserve the contribution that its setting makes to the significance of Harrock House (this assessment being derived from an ‘internal balance’ that takes into account both positive and harmful heritage-related effects);
- Result in less than substantial harm to Linden House, Mill House, and Old Mill, in all cases falling towards the very bottom of the scale of such harm;
- Result in less than substantial harm to Buxted Park (Registered Park & Garden), falling towards the bottom of the scale of such harm;
- Preserve the significance of Hogge House.

The HIA at section 2.0 details the ‘application proposals and the heritage issues’.

The proposed design and layout and how the development seeks to respond to the heritage and landscape character constraints of the site are discussed in paragraphs 2.2 to 2.17. Paragraph 2.2 details that the proposed development would be confined to the eastern section of the field set behind a reinstated field boundary along the precise line of that shown on the 1874 Ordnance Survey (OS) map. The HIA comments that this map has been used, as it is the first OS map to show the location of the planting on site (paragraph 2.13).

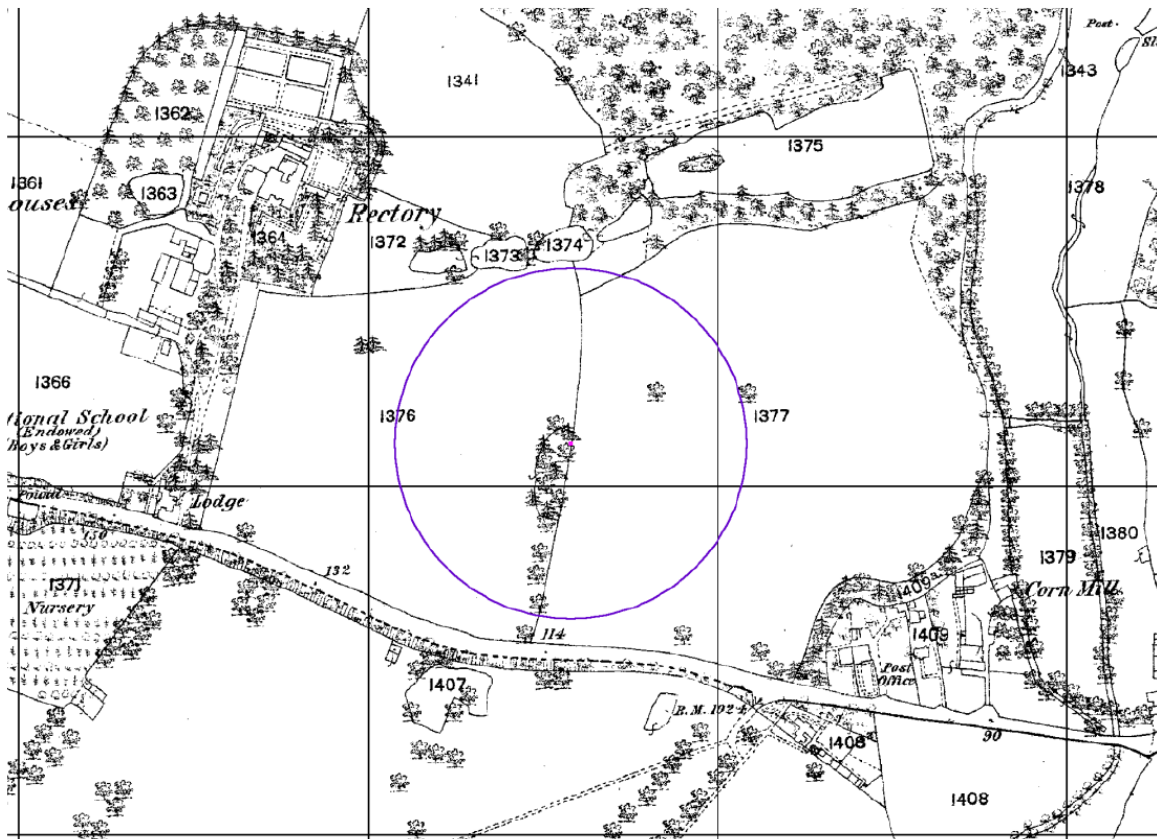


Fig.1. 1874 1:2500 scale OS map

1 from the Heritage Impact Assessment Report

Fig

Both Heritage England (HE) and the Council's Heritage Officer (HO) have concerns with the proposed development but do not raise objections. There are also significant objections made from third parties and other heritage bodies about the scheme. All of these comments can be viewed on the Council's website.

Heritage England and Heritage Officer Consultation Responses

Officers have summarised parts of the responses from HE and the HO in the following section of this report to provide a context for their concerns and assessment of the application and supporting heritage submissions. The consultation responses from Heritage England (HE) and the Council's Heritage Officer (HO) are included in full within the consultation responses above in this report.

HE comment that it is essential to stress the important contribution that the land associated with the original rectory (Harrock House) gives to the significance of the listed building, this includes the 79 acres of glebe land. The profitable glebe land explains why Buxted parish was highly valued and desirable indicated by the fact the Archbishop of Canterbury held the power to appoint its rector. Accounting for a long line of historically significant vicars. The prestige of Buxted parish led to the rebuilding of its rectory in the late 17th Century. The new rectory (shown on the 1773 map as a moated structure) forms the bulk of the current house.

HE detail the significance of the Grade II* registered Buxted Park noting it holds remarkable historic interest and forms the setting to a number of listed buildings within

the grounds. HE note the park is the original location of the medieval village of Buxted located around the church of St Margaret the Queen and the settlement's site is now protected as a scheduled monument. The creation of the park in the early 19th Century intended to transform the 17th century house into a country mansion, required the relocation of Buxted village north east, in the proximity of the newly constructed Church of St Mary the Virgin.

HE assesses the significance of Mill House, Old Mill and Linden House collectively, setting out that the site contributes to the significance of this group along the south-eastern boundary. The properties hold historical and architectural interest forming part of the dispersed settlement which predated the redevelopment of Buxted village from the late 19th century.

HE comment that as the proposal would change the character of the setting of identified heritage assets, it is essential to fully understand to what extent the site contributes to their significance, in this respect HE consider that the contribution the site makes to significance has not been fully assessed in the submitted SoS.

The HO notes that since the submission of the application a range of additional historic information has become available relevant to Harrock House, Mill House and The Old Mill which has highlighted gaps in the SoS which draws into question both the identification of significance in the SoS and conclusions on impacts on significance in relation to setting in the HIA. The HO has had regard to the additional submissions made within their response.

The HO confirms they have visited the site and its environs. The HO has provided a critique of the heritage submissions and resulting level of harm to the identified heritage assets within the submission documents. The HO acknowledges Harrock House Lodge and the Two WWII pillboxes located within the site as non-designated heritage assets.

The HO considered the perceived heritage benefits of the scheme within the submissions to be flawed as they are not based on a full assessment of the setting noting the importance of the glebe land to Harrock House has not been properly understood and the emphasis placed on the 19th century changes has been overplayed also artificially experienced views of Harrock House are not considered to be a benefit. The HO does not consider that the proposed layout or footpath would provide heritage benefits as the contribution that setting makes to significance does not depend on public access. The stated benefit of reinstating part of the historic setting of Buxted Park through recreating the parkland character of the western part of the site is not considered to be a heritage benefit by the HO. With regards to the grade II group the HO comments 'I disagree that the suggested design will have any positive material effect as mitigation'. With respect to the WWII pillboxes the suggested benefits of the path are questioned by the HO due to the level of detail within the submitted documents.

The HO also comments that the provision of bus stops/s278 works and access arrangements have not been appropriately factored into the HIA submissions. Since the HO commented on the application, the requirements of the Highway Authority have necessitated in the increase in the amount of hedgerow removal in the vicinity of the access from the stated 20m to 32m. Officers have consulted with the HO for their view

on the effects of this change on heritage assets. It does not change their recommendations. Officers have assessed the scheme on this basis.

Key to the assessment of this application is the HO's view on the level of harm to the identified heritage assets that would result from the proposed development.

With regards to Buxted Park it is the view of the HO that the combined undervaluing of this part of the setting of Buxted Park, underplaying of the impacts of the development, and over-stating of the perceived 'benefits' has failed to represent an accurate level of harm. In my view, the harm would fall within the upper half of the less than substantial range.

With regards to Harrock House The HO comments that In my view, the harm would fall in the upper half of the range of less than substantial harm, through considerable change to a part of the setting which is key to the significance of Harrock House, and its appreciation.

With regard to Linden House, The Mill House and The Old Mill it is the view of the HO that the proposed development would lead to a low level of less than substantial harm to Linden House (by virtue of the intervening outbuilding) and a moderate level of less than substantial harm to The Mill House and The Old Mill. This would arise from the presence of built form behind, particularly on the rising ground, and in a suburban estate layout, as well as in terms of lighting, activity and movement from vehicles on the eastern access road and pedestrians on the perimeter walk; all of which would be erosion of the historic setting and rural qualities, diminishing appreciation of the vernacular buildings within their surroundings.

With regards to Hogge House (Grade II listed) it is the view of the HO that the proposed residential development of the site would reduce the contribution that the wider setting makes to the significance of Hogge House by urbanisation of the rural landscape within which this property has historically been associated. The level of harm would be at the lower end of less than substantial.

With regard to the identified non-designated heritage assets the HO comments 'In terms of Harrock House Lodge, a non-designated heritage asset of some significance, the level of harm would be lower, but nonetheless should be taken into account in terms of Paragraph 209 of the NPPF. The lodge has group value with Harrock House, and draws much of its significance via setting from the relationship with the A272, the access to Harrock House and the former glebe land to the east.

Since the comments were provided by the HO the footpath arrangement around the northern most pillbox has been removed and one is now proposed for the southern most pillbox. The reason being enhancements have been provided to the woodland buffer following the consultation response of the Biodiversity and Arboricultural Officer. The HO does comment that it would be possible to secure recording and a management plan for the structures as part of any consent, which would be of a limited heritage benefit. It is the view of the HO that there would be an adverse impact on the low level of significance of the pillboxes. The HO considers that with more sympathetic changes to their immediate settings, additional information and appropriate conditions to secure recording, details of any repair or other works, a management plan and appropriate scheme of interpretation, the low level of harm to non-designated heritage

assets of low significance could potentially be sufficiently mitigated/balanced in terms of paragraph 209 of the NPPF.

In considering whether to grant planning permission, decision makers are required by Section 66(1) of the Planning Listed Building and Conservation Area Act to have special regard to the desirability of preserving nearby listed buildings or their setting. Having “special regard” involves more than merely giving weight to those matters in the planning balance. Where there is a finding of any harm, decision makers must give that harm considerable importance and weight. The committee must be clear that the finding of any harm creates a strong but rebuttable statutory presumption against the grant of planning permission.

Officers have had regard to the submissions and consultation responses (from HE and HO) and note there are differences of opinion between the professional advice provided from the applicants’ representatives and the consultation responses. Key to the consideration of this proposal is that both the application submissions and the views of HE and HO concur that the development will cause less than substantial harm, the difference being the level of substantial harm that would result from the proposed development. Neither HE or the HO have raised outright objections to the proposed development or concluded substantial harm to the designated assets. Both HE and the HO comment that where harm to designated heritage assets is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, and this planning balance is for the planning case officer to consider.

Together the submissions, consultation responses and other representations made against the application have provided a proportionate understanding of the heritage assets significance and potential effects of the proposed development upon their settings.

Given the assessment of NE and the HO that the proposed development would lead to less than substantial harm to the identified listed heritage assets the Council must involve paragraph 208 of the NPPF in the decision making process.

At Paragraph 208 the NPPF states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

In line with statute, policy, and case law, considerable weight and importance must be given to the presumption against granting permission for development that would harm the setting of a listed building. If less than substantial harm is found of whatever magnitude, the decision maker needs to give considerable weight to the desirability of preserving the setting of the asset.

There a number of “influential” material considerations specific to the proposed development which weigh in favour of the application. Given the current situation within the District with regards to housing delivery on sustainable sites The importance of these considerations is particularly pertinent.

However, the overall impact of the proposal needs to take into account the less than substantial harm to the rural setting of nearby listed buildings and Buxted Park and this harm should be weighed against the public benefits of the proposals.

The public benefits of the proposals comprise:

- An increase in the provision of housing numbers at a time of pressing need
- An increase in choice and type of homes
- 35% affordable housing provision
- 5% custom and self build dwellings on site
- Positive economic impact during construction period and beyond
- Residents would be likely to use the local shops and services within Buxted making a positive contribution to their vitality and viability
- Highly sustainable location for housing
- Provision of community open space with green infrastructure features – delivering high quality green spaces available to all
- Substantial level of biodiversity net-gain
- Residential development outside of a designated landscape
- High Quality Design
- Highly Sustainable Dwellings

There is a further benefit because the scheme would contribute to the improvement of the local bus service. However, this would not be a permanent contribution and whilst this is positive, the temporary measure means it should only be afforded moderate weight.

Increased patronage of village services is welcome and the proposed development would make provision for open space and equipped play space on site at the required standard. This is a further benefit to be weighed in the balance.

Officers are of the view that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of designated heritage assets in accordance with the test set out in paragraph 208 of the NPPF.

In accordance with paragraph 209 of the NPPF, with regards to the identified non-designated heritage assets, officers have applied a balanced judgement based on the information provided by the CO in their response. The scale of harm identified is low. Harrock house Lodge has some significance because the lodge has group value with Harrock House, and draws much of its significance via setting from the relationship with the A272, the access to Harrock House and the former glebe land to the east. The WWII pill boxes have a low level of significance. The proposed development would be within the setting of both non-designated heritage assets, and this would affect significance. The judgement in this case is that the provision of sustainable housing development has clear public benefits that outweigh the identified harm (low) to the significance of the non-designated heritage assets identified.

With regard to the WWII pillboxes the CO notes that 'With more sympathetic changes to their immediate settings, additional information and appropriate conditions to secure recording, details of any repair or other works, a management plan and appropriate scheme of interpretation, the low level of harm to non-designated heritage assets of low significance could potentially be sufficiently mitigated/balanced in terms of paragraph 209 of the NPPF'. A planning condition to secure detail the proposed footpath location and construction methods (inclusive of any changes in levels) together with drawn, photographic, and written records of the WWII pillbox, details of any repair or other works and appropriate scheme of interpretation (information signage) has been recommended by officers.

The County Archaeologist recommends that in the light of the potential for impact to heritage assets with archaeological interest that the site should be the subject of a programme of archaeological works to record any archaeological finds before development commences. Officers recommend their suggested conditions be included on any planning permission granted.

Traffic Impact and Access

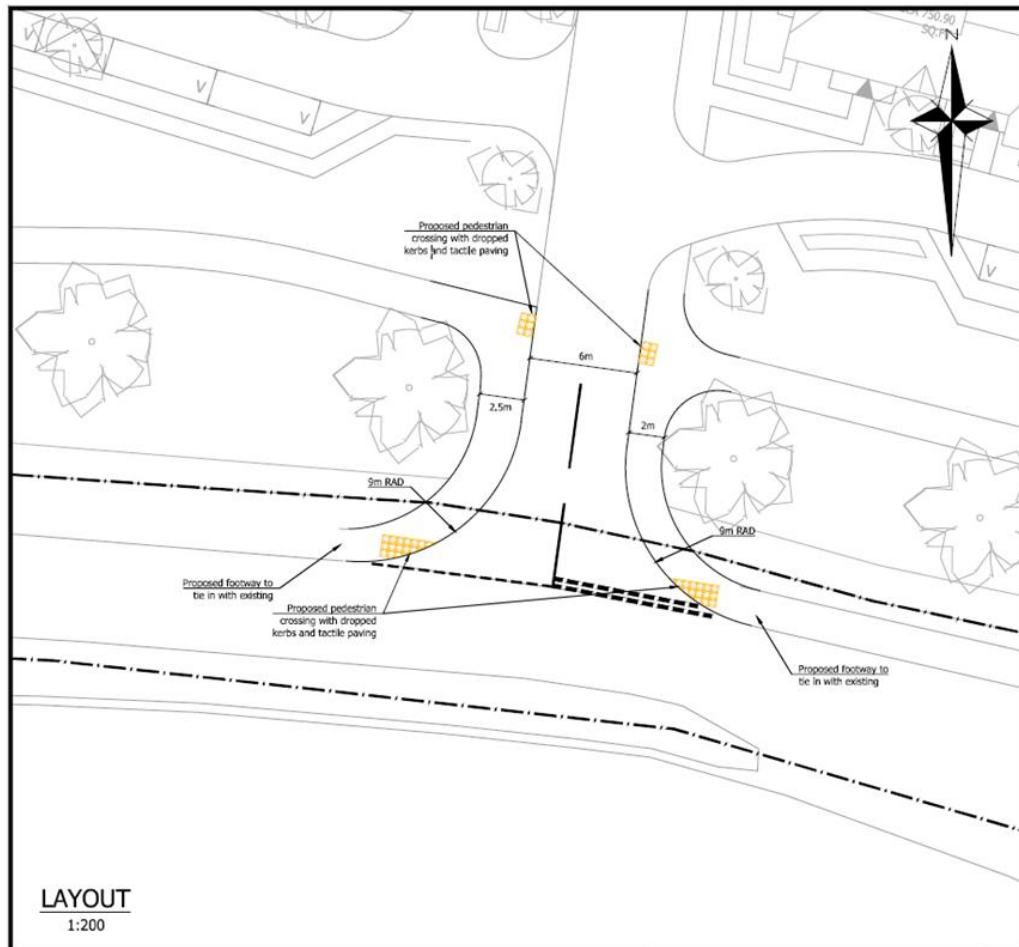
The application is accompanied by a Transport Statement prepared by GTA Civils Ltd for Brookworth Homes with accompanying survey data and access plans, which detail the arrangements in terms of the proposed layout of the access, accessibility, parking as well as existing and proposed traffic conditions. Specifically, the report has been prepared to investigate and advise on the impacts of the proposed residential development on the local transport network.

The development proposes a new access from the A272 with improvements incorporated in order to ensure it is suitable to serve the scale of development proposed. The A272 is subject to a 40mph speed limit along the southern boundary of the site but this section of roadway, whilst benefitting from a footway does not benefit from street lighting.

For a 40mph speed limit the Manual for Streets requires visibility splays of 2.4m by 120m to be provided in both directions [horizontally and vertically] at the access point. The initial submission proposed a new 6.0m wide vehicular access with 2.0m footways to either side adjoining Station Road with visibility splays of 2.4m x 120m in each direction.

As set out above ESCC Highway Authority have provided four sets of consultation comments. Initially, the Highway Authority could not issue a response with no objections subject to conditions (the standard heading from the ESCC proforma response) because further details were required for their assessment. The applicants have considered the comments of ESCC Highway Authority and have provided revised details.

In response to these initial consultation comments from ESCC Highway Authority the applicants have provided further details to the transport submissions including an amended access plan in a new location, an amended topographical visibility splay plan, tracking plans from all four directions through the access and amended long sections through the visibility splay.



Proposed Layout (Plan 11723/2100 Rev P7)

Works undertaken to address the concerns raised resulted in the relocation of the proposed access 30m to the east of the original proposal which enabled forward visibility and the levels of visibility through the access to be secured and the successful provision of 25m visibility splays for pedestrians.

The access width has also been altered to provide a width of 6.5m together with a 10.5m junction radii, enabling vehicle tracking to be satisfactorily provided for all four movements as shown on plan No. 11723/2100 P12. ESCC Highway Authority noted and accepted the amended Vehicle tracking drawings.

The proposed access will have pedestrian crossing points with dropped kerbs and tactile paving either side to tie in with the internal road network. To accord with the requirements of the Highway Authority to the required visibility for the internal pedestrian access were only apparent at a later stage in the application process and this requirement would remove 32m of hedgerow along the A272, this is an additional 12 m than shown on the submitted plans. Crucially, Officers have sought further advice from the Councils HO who has confirmed the additional hedgerow loss would still cause less than substantial harm to the identified heritage assets within the vicinity of the site. There will be a footway either side of the access that will tie in with the existing external infrastructure. This will also have dropped kerbs and tactile paving in interests of pedestrian safety.

The amended access details provide for safe pedestrian and vehicle access to the development site, as well as provision for emergency and refuse vehicles to enter the site, turn using a turning head and exit the site in a forward gear.

The access proposals have been supported with a RSA1 which was noted by ESCC Highway Authority.

The Highways Authority agrees that the access, tracking, and visibility is now acceptable on the submitted amended plans subject to the implementation of the conditions recommended and prior to the commencement of the scheme the approved access arrangements will be subject to a s38/s278, details as set out in the S106 Legal Agreement, between ESCC Highways Authority and the applicant.

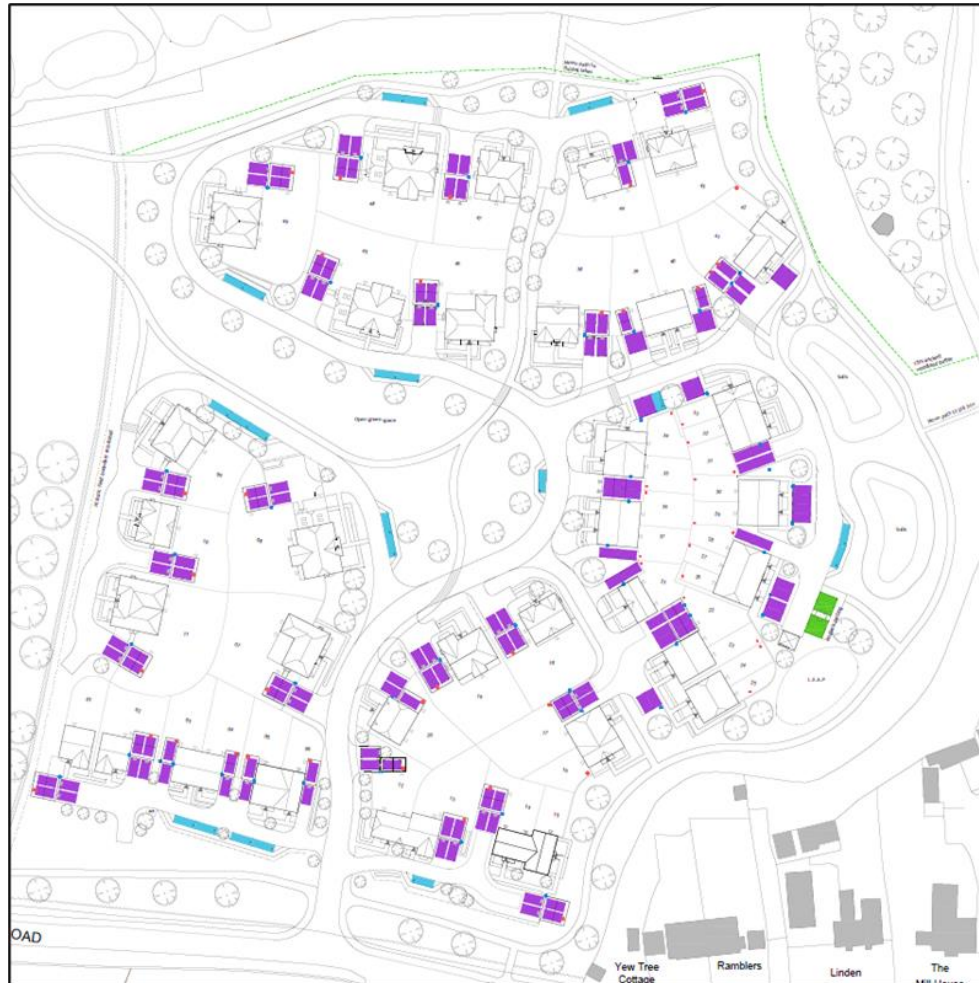
These will require the access proposals including partial closure of the existing access to provide separate combined cycle/pedestrian access and any carriageway markings to be agreed with ESCC Highway Authority. The layout plans show this area would retain an access with a 2.3m wide access route. These works will be completed prior to the occupation of the first dwelling and will include Road Safety Audits stages 2, 3 and 4 and the implementation of any subsequent remedial measures.

Motorised Vehicle Parking

In accordance with ESCC's parking calculator there is a requirement for 109 spaces [89 allocated, 10 unallocated for residents and 10 unallocated for visitors].

The development will provide 92 (purple) external allocated spaces for residents, provided through a combination of standard spaces and car port provision, with some dwellings provided with additional garages delivering 46 (purple) internal parking spaces. It is acknowledged by the applicant that this garage provision will only count as 1/3 of parking spaces under ESCC Guidance for Parking at New Developments (October 2017) which when calculated is a further 15 parking spaces.

A total of 22 (turquoise) spaces are marked as visitor provision with a further 4 (green) marked as unallocated residential space throughout the development.



Excerpt from Plan FL22-1973-063 Parking Strategy

In line with the initial comments from ESCC Highways Authority the sizes of the parking spaces have since been revised to reflect an additional 50cm for those that are adjacent to a wall or fence/hedge. There are now also footways alongside the parallel parking spaces that lead to an appropriate crossing point.

The driveways are now of standard design size with all private driveways at a minimum of at least 6.62 metres wide with each dwelling incorporating the provision of an EV charging point as required by current building regulations and NPPF requirements.

Parking provision for the development has been accepted by ESCC Highway Authority as complying with their Parking Standards for New Dwellings guidelines whilst the 22 allocated visitor spaces exceeds the requirements of the WDC Local Plan guidelines.

As a courtesy four spaces (two more than in the original scheme) have been provided for the Angling Club. However, it is also noted within the updated Transport Assessment these are likely to be parked in by residents and are not in an easily located position. These parking spaces are some distance from the angling lakes but have been provided with a pedestrian access route through the site.

Planning conditions have been recommended by ESCC Highway Authority to secure the detail of the parking and WDC officers have recommended that such conditions be imposed if planning permission should be granted by members of the planning committee.

The development will improve pedestrian access on Station Road with an improved footpath to the east of the highway linking the site to the school to the west and the village centre to the east.

In light of the support of the proposal from ESCC Highway Authority, it is considered that the proposed development can achieve a safe access on to the highway and that the quantum of development would not have a material effect upon the operation of the highway network. The development would provide acceptable motorised vehicle parking to accord with East Sussex Parking Standards and give a good level of pedestrian access from the site to services.

Cycle Parking and Storage

The scheme proposes two cycle parking spaces per dwelling in accordance with ESCC Cycle Parking Standard. The dwellings with double garages will utilise this space for cycle storage. Those dwellings without garages will have cycle storage boxes provided. Therefore, all cycle storage spaces will be in a safe, sheltered, secure location within the boundaries of the dwelling.

Where cycle storage is proposed within a garage this cannot then be counted a vehicle parking due to the garage not being long enough to accommodate both car and bike. Cycle storage should also be in a conveniently accessible location for all users as it will not be utilised otherwise.

ESCC Highway Authorities initial response required the positioning of cycle storage areas to be reconsidered to ensure ease of access by pedestrians/occupiers. Should a cycle storage area be accessed from driveways, this would be problematic if vehicles are parked on driveways preventing cycles from safely getting through. ESCC recommended that driveways are widened by 1 metre or separate footpaths provided to propose cycle storage areas.

In response amendments were undertaken by the applicant to the level and location of cycle storage and provision which in their consultation response dated 14th March 2024 ESCC Highways Authority agreed as acceptable.

Accessibility

ESCC Highways initial consultation response raised an objection regarding the poor levels of sustainable transport modes due to a lack of non-car travel choices for residents and their visitors.

The nearest bus stops are on the A272 [High Street] known as The Stores stops [east and west bound] and are approximately 700 metres from the access but more than 900 metres from all parts of the site. Therefore, the bus stops exceed the walking distance of 400m from the site and the walking route from the site is currently along narrow footways on the northern side of the A272 only with no

improvements shown. Whilst 2 metres wide footways are shown around both sides of the bellmouth of the access it is stated that they would only tie in with the existing footway.

New bus stops will therefore be required adjacent to the development in a westerly and easterly direction. Each will require a raised kerb, bus stop clearway markings, hard standing and bus stop pole. The west bound stop (towards Uckfield) will require a shelter and seating [to be agreed with the parish]. An uncontrolled crossing point (drop kerb/tactile paving) on the A272 will need to be provided to enable residents of the development to reach the bus stops.

Additionally, there is currently only an infrequent bus service that passes the development. This is the ESCC funded 248 service linking Buxted and Uckfield, which provides three off-peak daytime journeys on Mondays, Wednesdays, and Fridays and two daytime off-peak journeys on Tuesdays and Thursdays. The nearest regular bus service is located some 1.5km away at Coopers Green (Brighton & Hove Buses 29). Whilst there is the ESCC funded 249 service with stops located at the Primary School to the west on Hurstwood Lane this provides just one return journey to Uckfield off peak on Monday, Wednesday, and Fridays only.

ESCC Highways Authority have stated that a contribution is required to provide a Monday to Friday peak time bus service to/from Uckfield, with the morning journey would be timed to meet the needs of school pupils attending Uckfield College, the nearest secondary school, and to which pupils from Buxted are entitled to free school travel on the basis of safety of the unsafe walking route.

The current school bus transport provision is nearing full capacity, so the new bus service arrangement will be needed to ensure additional school children from the development are catered for both mornings and afternoons.

A Monday to Friday PM bus journey would also be needed, departing Uckfield between 17:00 and 18:00. ESCC state that a contribution of £40,000 per annum for 5 years (£200,000 in total) is required to achieve the above combined bus service provision.

The agreed bus service contributions and bus stop provision will be finalised via the S106 Legal Agreement on the completion of ongoing negotiations.

The site is well within the recommended maximum walking distance of 2km to the Buxted Railway Station for commuters and that the local school is approximately 750 metres to the west. However, in both directions, the current footway width is very narrow and not conducive to encourage walking trips to and from the site.

The scheme proposes an internal footpath within the site that will link around the perimeter of the site for both connections within the site and for leisure purposes. The internal footpath will provide a connection from the south-east corner of the site directly to the A272 towards the White Hart Public House and towards Buxted train station where the footway naturally widens.

The footway along the A272 to the west towards Hurstwood Road and Hurstwood Primary school will be widened to at least 2.0m subject to any pinch points by a combination of improvements and clearing the undergrowth to allow for better accessibility along the A272. Details for these works will be detailed through the S278 Agreement as outlined in the forthcoming S106 Legal Agreement.

Cycle Access

In ESCC Highways Authorities initial consultation response it raised concern regarding a lack of separate cycle or shared cycle/pedestrian access away from the main vehicular access point with a separate right turn facility [with protection from vehicles] for them in accordance with LTN 1/20. This was of particular concern given the nature of the A272 passing the site and current traffic flows and levels of the adjacent carriageway.

A recommendation was provided that the proposed pedestrian access connection was widened to 3 metres to enable cycle access at this point. A pedestrian route is to be provided in the southeastern corner of the site which is located just to west of the existing vehicular access. However, it is noted that within the Updated Stage 1 Road Safety Audit: Designers Response Report dated March 2024 the applicant has indicated that "The footway is not intended for shared use with cyclists."

The last set of access plans/documents assessed by the Highway Authority did not show the internal 3m pedestrian access way, yet it was shown on earlier iterations, meaning the applicants are willing to provide it. Officers are expecting amended landscaping plans that will show the 3m access.

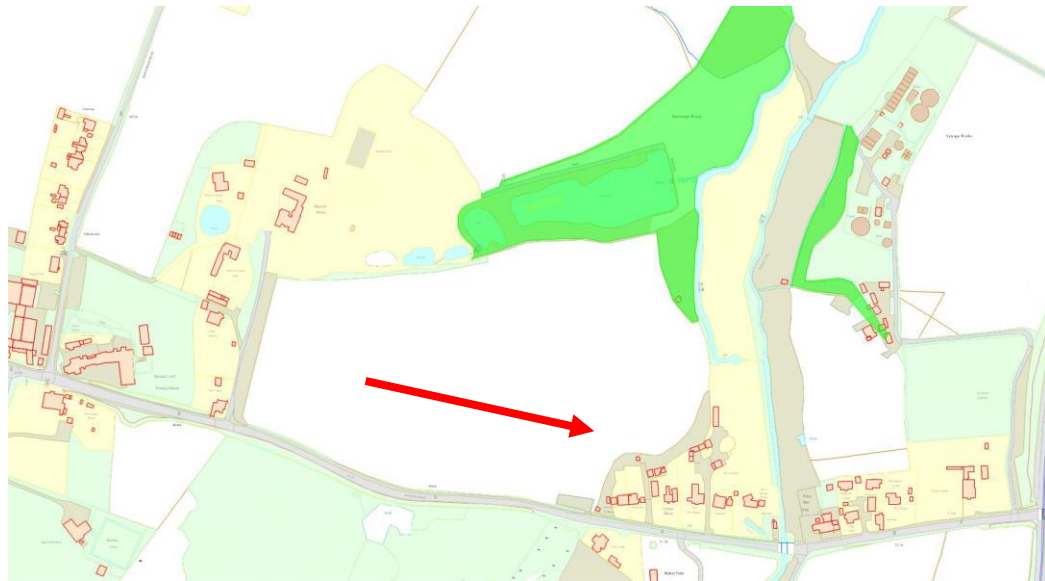
In light of the support of the proposal from ESCC Highway Authority, it is considered that the proposed development can achieve a safe access on to the highway and that the quantum of development would not have a material effect upon the operation of the highway network. The development would provide acceptable parking to accord with East Sussex Parking Standards and give a good level of pedestrian access from the site to services.

Ecology

The application has been supported by a Preliminary Ecological Appraisal, Phase 2 Ecological Surveys, Ecological Assessment and Ecological Assessment Addendum. Which have been the subject of consultation with the Councils Biodiversity and Arboricultural Officer, who is supportive of the proposals.

Ancient Woodland

The site lies in the proximity of Ancient Semi Natural Woodland (AW) known as Parsonage Wood which is highlighted green on the below GIS mapping excerpt. The application site is the white area indicated by the red arrow and lies southeast of the AW in white.



Excerpt from the Councils Datamap GIS

The NPPF at paragraph 186 c) states development should not result in the loss or deterioration of irreplaceable habitats inclusive of ancient woodland, giving clarity that such proposals should be refused unless there are wholly exceptional reasons, which footnote 67 provides an example of a nationally significant infrastructure project where the public benefit would clearly outweigh the loss or deterioration.

Saved policy EN13 of the Adopted Wealden Local Plan states 'The Council will resist development proposals that involve the clear felling or otherwise prejudice the ecology of Ancient Semi-Natural Woodlands, as defined by English Nature (now Natural England)'.

The site includes and borders ancient woodland (AW) in its northeast corner. This includes areas of wet woodland following the course of the stream on the site's east side and fishing lake and woodland on its north side. The development does not propose direct impacts on the AW and seeks to include a 15m buffer to the AW. The current access to the fishing lakes to the north of the site is due to be retained; therefore, proposed informal path access (retaining existing access) through ancient woodland buffer is deemed acceptable at this location by the Council's Biodiversity and Arboricultural Officer.

The comments of the Council's Biodiversity and Arboricultural Officer have been taken into consideration and the proposed buffer will now include a post and rail fence and the proposed footpath to the northernmost WWII pillbox has been omitted to prohibit public access into the buffer. At the time of writing the report the amended landscaping plans has not been submitted because there were other amendments to include, but the agent has confirmed the changes will be provided as per the written comments and the amended plans will have been considered and details provided within the written officer update to Planning Committee.

The development would utilise the northern most outlet of the existing land drainage system and would not require any infrastructure within the AW. As

noted in the drainage section of this officer report the proposed development would in effect replace the easternmost section of the land drainage system (the western part is shown to be separate). The proposed drainage system would replicate the existing greenfield run off rates and would have the benefit of cleansing the water (above that of the existing situation) via the network of permeable storage and attenuation basins. Currently the field drain could have adverse effects upon the AW by way of increased runoff rates (scouring/erosion/damage to ground flora) and changes in water quality (pollutants/nutrients).

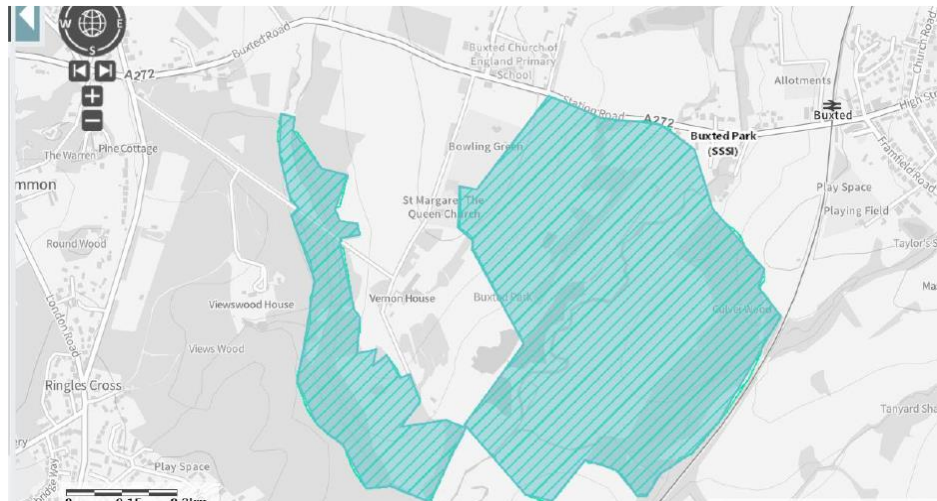
With regard to the proposed surface water drainage system the Council's Biodiversity and Arboricultural Officer has assessed the proposals and does not raise objections. Again in response to the comments of the Council's Biodiversity and Arboricultural Officer, the submissions (Site Drainage Strategy Plan) have been updated to show a QuadraCeptor filtration system for water treatment downstream of the attenuation basins, providing a further level of treatment to the surface water leaving the site to drain into the AW, at the same rate and in the same location as it does presently.

The submissions have indicated invasive species in the AA. The Council's Biodiversity and Arboricultural Officer notes there is potential for woodland management that would benefit its condition. A landscape and ecological management plan (LEMP) condition is recommended to include ongoing woodland management within Parsonage Wood within site boundary, and officers have recommended such a condition be added should members grant planning permission.

The submissions would not lead to the loss or deterioration of the AW. The proposed scheme offers opportunity to enhance the quality of the AW with the control of surface water and the removal of potential pollutants and the removal and control of invasive species.

Buxted Park Site of Special Scientific Interest (SSSI)

It is the view of Natural England that the development would not have any likely significant effects upon the integrity of the SSSI and they do not raise objections to the proposed development. However, many of the representations received raise concerns about the effects of the proposed development upon the SSSI.



Buxted Park SSSI Designation Area

Officers have integrated the Natural England Designated Sites View website <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1003493&SiteName=buxted&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=> for information in relation to Buxted Park SSSI a summary of the citation below

Reasons for Notification

Buxted Park is an old deer park consisting of a variety of unimproved grassland communities with parkland trees and areas of woodland which as a whole support a large invertebrate population. It lies on neutral-acidic soils over Tunbridge Wells Sandstone, Wadhurst Clay and various superficial deposits in the valley of the River Uck.

The acidic grassland east of the River Uck is of a type very scarce in south east England. The sward is dominated by the grasses (species not listed in this report). The SSSI includes areas of marshy grassland, (species not listed in this report) fen communities occupy land close to the river and in one area a fine greater tussock sedge swamp has developed. Species-rich neutral grassland is also represented. One small area of grassland has a ridge and furrow topography resulting from temporary cultivation in the 19th Century or before.

Bracken is well established in places and parkland trees are scattered throughout the site. The ancient Culver Wood consists largely of hornbeam with hazel alder in wet areas. The ground flora is sparse in places.

The park has been found to be of exceptional importance for conservation of invertebrates, especially beetles and flies which are found on the marshlands and riverbanks, but more importantly, found in association with over mature trees and dead wood. Three nationally rare species of beetle have been recorded, along with several nationally scarce flies.

Please see The Natural England Designated Sites View website for the full citation.

The Natural England Designated Sites View website notes the feature condition and for Buxted Park the designation is noted as 66.67% not recorded and 33.33% as Uncoverable - Recovering. The same website details the pressures on the integrity of the destination the broad pressure is Pollution with the specific reference to 'Water Company Discharges Causing Water Pollution'. The nearest infrastructure is a pumping station on the north side of the A272. The Rivers Trust website provides information on the water company infrastructure in the area, and whilst Buxted Waste Water Treatment Works is cited (discussed in drainage section below) the pumping station near the SSSI and is not included.

The Council's Biodiversity and Arboricultural Officer has included a commentary on the effects of the proposed development upon the ecological network noting the sites location is relatively important due to the SSSI, ancient woodland and corridor of the River Uck. They comment that the large open field has limited ecological connectivity, with the exception of the AW to the east, they note that the proposed buffer would reinforce and buffer the existing limited connectivity on the east of the site.

The Council's Biodiversity and Arboricultural Officer notes the planting between the development and the paddock is to be partially planted with a linear width of woodland consisting of native woodland scrub and tree species, with scattered line of Scots Pine. They note that a connection to the woodland to the north would be a further ecological benefit but recognises the planting proposed seeks to mimic past landscapes, noting that there is scrub planting along this boundary that would provide a link to the woodland to the north.

The A272 boundary has a hard cropped native hedgerow that is due to be enhanced (with the exception of the sites access arrangements) with buffer planting of native scrub. The Council's Biodiversity and Arboricultural Officer has suggested that large native trees be used along this boundary and the hedgerow be comprised of locally distinctive species. The applicants have considered the comments and have committed to amending the landscaping in this location which would better reflect the boundary to the south of the A272 (within the SSSI) and have improved biodiversity function. As noted above at the time of writing this report the amended landscaping detail is not with the Council but will be provided in time for officers to update members at the Committee meeting.

Biodiversity Net Gain

The Council's Biodiversity and Arboricultural Officer comments that the site has a relatively low biodiversity baseline comprising largely of low diversity cultivated/disturbed arable land with narrow boundaries of semi improved rough grass land. As per section 180 of the National Planning Policy Framework 2023 and policy WCS12 Biodiversity of the Wealden District Core Strategy Local Plan 2013, development should provide biodiversity net-gain that is integrated as part of their design. The development proposes native hedgerow, tree planting, aquatic features, AW buffer zone (featuring a mosaic of habitat and woodland scrub planting) and wild flower grassland. The Council's Biodiversity and Arboricultural Officer notes that the application was submitted prior to mandatory net-gain requirements but is of the opinion that it is clear the development would result in provision in a substantial level of biodiversity net-gain.

NatureSpace comments

The applicants have provided the Ecological Response in response to comments from NatureSpace and Great Crested Newts document, which is the subject of consultation with NatureSpace, which at the time of writing have not provided comments. Any comments received can be provided to members by way of officer updates.

The Council's Biodiversity and Arboricultural Officer has assessed the submitted document and has provided the following response *'The terrestrial habitat onsite is arable land considered of negligible value to (Great Crested Newt) GCN. The application would result in little impact on GCN terrestrial habitat connectivity and it is considered would improve current connectivity on the site with mosaic habitat proposed, including SUDS ponds, wildflower grassland, scrub, woodland and parkland style habitats closer to development. As a competent authority, the Council needs to consider if a GCN licence would be approved by Natural England, should the GCN DLL option not be applied for (this would require conditions attached to planning decision). I advise that a GCN licence would likely to be approved due to the limited impacts and the method statement & impact assessment provided.*

I am not able to support comparison to the Downlands Appeal because the application sites, habitats and species presence are quite different to the Downlands appeal site'.

The response from the Council's Biodiversity and Arboricultural Officer makes clear that the suggested conditions within the NatureSpace consultation response are not required to grant planning permission given their view that a GCN licence would likely to be approved due to the limited impacts and the method statement & impact assessment provided.

Requirement for the proposed development to accord with the submitted ecological reports, inclusive of the method statement & impact assessment, should be included in a planning condition, and such a condition has been recommended by officers.

The Council's Biodiversity and Arboricultural Officer consultation response has suggested a number of planning conditions be included on any planning permission granted including accordance with ecological reports submitted to support the application, a wildlife management plan, control of external lighting and landscape and ecological management plan. Considering the above comments with respect to NatureSpace the required submission of a GCN District License Certificate/application of standard GCN District License conditions are no longer required.

Flood Risk and Drainage

A flood risk assessment (FRA) is a validation requirement because the application site area is greater than 1 hectare. The application has been submitted with a Flood Risk Assessment and Drainage Strategy (FRA) Ref

11723 dated January 2024 and GTA Responses to ESCC Consultation Comments dated 1 March 2024. The Environment Agency (EA) Southern Water (SW), the County Council as the Lead Local Flood Authority (LLFA) and the Council's Drainage Engineer have all been consulted on the application and do not raise objections.

Flood Risk

The EA confirm that they have reviewed the information as submitted and inform that they have no objection to the proposal as submitted.

A flood risk assessment (FRA) is a validation requirement because the application site area is greater than 1 hectare. The FRA describes the hydrology of the site at paragraph 2.2 and notes the River Uck (a designated Main River) flows north to south approximately 50m east of the site boundary. To the north is an ordinary water course flowing east which along its length has a chain of manmade ponds with embankments, the water course meets another ditch water course which flows along the sites eastern boundary before converging with the River Uck. The site has an existing land drainage system.

The submitted FRA considers flood risk from various sources. For fluvial flood risk the FRA states the vast majority of the site situated in Flood zone 1 with less than a 1 in 1,000 annual exceedance probability (AEP) of river flooding. Some areas of the site are within the mapped Flood zones 2 & 3 at the north-east corner of the site, which is to remain undeveloped.

Surface water flood risk has been assessed using the Environment Agency's (EA) surface water flood map which shows a small isolated area within the woodland area to the north east of the site, again away from the developable area.

EA mapping shows the site is not at risk from artificial sources of flood risk (e.g. reservoirs. According to the EA's Historical Flood Map the site has not been affected by flooding in the past. Fluvial flooding was recorded on the Uck in October 2000 but the mapped flood extent does not reach the site boundary.

With regards to ground water flood risk the FRA has regard to the commentary in The Wealden Level 1 Strategic Flood Risk Assessment (SFRA), Final report (May 2022) which sets out the site within an area of 'Groundwater Concern' but states no records of groundwater flooding incidents at the site have been identified.

The FRA discusses the existing field drainage system at the site commenting that there are 3 areas Area 1 in the west (38%) outfalls to the neighbouring watercourse midway along the north boundary. Area 2 in the centre and east (45%) outfalls to the watercourse at the north-east corner and Area 3 at the east (17%) outfalls to the watercourse at the east boundary. The existing system is shown in appendix E of the FRA and is copied below for information.



Existing Field Drainage Layout Plan

The FRA confirms the existing Area 1 land drainage system lies entirely outside and upstream of the new built development area and will be retained as existing. As noted on the above plan Areas 2 and 3 will retain the outfall to the north east and the existing land drainage system for areas 2 and 3 would be replaced by the proposed surface water system.

Representations made against the application talk to the flooding of the area, including the landscape, the highway network and the River Uck (as far as Uckfield). Photographs have been provided that show surface water levels in the area to the south east corner of the site and photos of water on the A272 have also been provided.

Comments do note that the highway drains both within the road and along the footways are blocked and correspondence with the Environment Agency and East Sussex Highway Authority has not remedied the situation.

The current flooding in the catchment of the River Uck and the River Uck catchment are a real concern locally and officers have had full regard to the representations known.

The LLFA have been consulted on this application and do not raise objections to the method of surface water drainage proposed, as set out in the surface water drainage section below.

With regards to flood risk it can be said that in the view of the LLFA the development of the site with the surface water drainage system proposed would not lead to increased risk of flooding off the site. In reality, the proposed development goes further than that. The development of the site would introduce elements of non-permeable surfacing in the form of roadways hardstands and roofs of properties that would increase the rate of water leaving the site if unattenuated. This will not be the case, the proposed development includes attenuation basins that would store the water within the site and release it at a controlled rate. The controlled rate (released over time) would not inundate the river system whilst it is in spate following heavy rain fall, reducing the amount of

water going into the areas of land that flood as a result. This controlled release would reduce the amount of water leaving the site in an uninhibited manner that currently contributes to the flooding issues that have been identified within the neighbour representations.

The LLFA are satisfied that the capacity of the drainage system would be able to capture and store the green field run off from a 1 in 100 year extreme storm event (plus a 45% allowance for climate change) and release it via the existing drainage network over time. Officers have fully considered the representations made that talk to the flooding of the area, and this is no doubt a real issue for neighbouring properties and users of the A272 (both drivers and pedestrians), however given the advice of the LLFA officers can be satisfied that the proposed development would not lead to increased flood risk, indeed the development would mitigate part of the catchment of the river system and release it after times of high rain have been and gone.

Reference has also been made to the stability of trees in the woodland next to the site because of increased flood risk. As the proposed drainage system would mimic the existing green field run off rate via the existing pipe network that feeds into the woodland set to the west of the site it would not lead to the further softening of soils that may occur if water were to spend more time passing through the existing land drainage systems in the vicinity of the site.

Representations made have referenced that in past flood events affecting the area, silt from the clay soil in the area is captured by waters and deposited on land and property when the water reseeds and is problematic to remove. This had led to concerns about the surface water drainage system failing to operate if not properly maintained. The LLFA have recommended a condition that requires the specification for the ongoing management and maintenance of the surface water drainage system. Officers have discussed the recommended conditions within the surface water section of this report.

Surface Water Drainage

The Drainage Strategy for the site is detailed at section 4 of the FRA. The sites geology is discussed at paragraph 2.4 of the FRA and concludes that the underlying geology is not likely to yield good infiltration rates (the first recommended drainage method in the sustainable drainage systems SuDS hierarchy) The Council's Drainage Engineer has concluded the same in their consultation response. The FRA details that falling soakaway tests were undertaken but the observed rates were too slow to accommodate soakaway drainage. Therefore, the surface water system proposed seeks to discharge to the adjacent watercourse at greenfield rates.

The proposed surface water drainage system is shown on the Site Drainage Strategy drawing 11723/1660 Rev P4 included at Appendix E of the FRA copied below for reference. The Surface water infrastructure in annotated blue.



The surface water strategy is described at part four of the FRA and includes SuDS. The lined permeable paving in minor road parking areas and driveways will provide both treatment and attenuation of surface water before it is conveyed to the piped network. In turn the piped network will discharge to two open ponds proposed to the east of the site. The ponds would provide further attenuation and cleansing of surface water. The FRA confirms that 'Discharges will be limited to the greenfield Qbar rate of 7.5 l/s via a vortex flow control for all storms up to the 1 in 100 AEP +45% climate change events. The outfall for the surface water drainage systems outfall is via existing land drainage system. Officers saw the outfall during visits to the application site. The LLFA have assessed the submitted CCTV survey of the existing land drainage system it is their view that 'The downstream pipes are of a suitable type and material to receive the development drainage and show no signs of collapse or blockage'.

At present the land drainage system drains into the woodland area to the east of the site. As detailed above the proposed SuDS system would replace part of this existing drainage system putting in place a SuDS treatment train incorporating permeable paving and attenuation ponds. The proposed system would capture silt and contaminants and protect the water quality of the receiving watercourse.

The LLFA have assessed the drainage stagey and consider that it would function appropriately for the lifetime of the proposed development. The LLFA have recommended a planning condition be included should planning permission be granted. The suggested condition requires evidence to show the discharge rate specified in the FRA shall not be exceeded (to include hydraulic calculations inclusive of the connectivity of the drainage features) and detailed drainage drawings. Details of the connection to the watercourse from the outfall and the design of the attenuation basins is also a requirement. In addition, details of how exceedance flows (should surface water flows overwhelm the proposed system) would be dealt with would be required.

The FRA includes a draft drainage management plan outlining ownership and maintenance responsibilities. The LLFA have reviewed the FRA and in their consultation response have recommended a planning condition seeking details of 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 plan must state who is responsible for all aspects of the surface water drainage system and that they would be in place for the lifetime of the development. To manage flood risk (both on and off the site) during the construction phase, suitable wording is included within the suggested construction management plan condition.

Officers recommend the suggested conditions from the LLFA be included on any planning permission should members resolve to grant planning permission as it would give certainty that the proposed surface water drainage system would be fit for purpose for this proposed development on this site and that the approved system would be maintained and managed for the lifetime of the development.

The suggested condition to manage flood risk during the construction of the proposed development has been incorporated into the suggested code of construction practice.

Foul Drainage

Paragraph 4.12 of the FRA sets out that foul water drainage would be via a gravity connection to the existing public foul sewer in Station Road. The FRA comments that this will be progressed at a later stage setting out that Southern Water has a legal duty to provide the capacity for all residential developments' foul effluent. Although not strictly needed, a capacity check application has been submitted to Southern Water (any response is not included within the FRA).

Southern Water are a statutory consultee and have been consulted on this application. Southern Water have not raised objections to the proposed development and their response informs that a Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The response does not qualify if upgrades are required to enable the proposed development to connect.

The Rivers Trust website mapping system:

<https://experience.arcgis.com/experience/e834e261b53740eba2fe6736e37bbc7b>

[/page/Map/?org=theriverstrust#data_s=id%3AdataSource_8-187517e8d15-layer-10%3A9348](/page/Map/?org=theriverstrust#data_s=id%3AdataSource_8-187517e8d15-layer-10%3A9348) sets out that In 2022 the sewer storm overflow from Buxted Waste Water Treatment Works operated by Southern Water spilled 48 times for a total of 764.06 hours, discharging into the River Uck. At the time of writing The Rivers Trust said '*The reason why an overflow may have high spill counts in that period: N/a - Ongoing Investigation*'.

The Pumping Station located on the A272 immediately west of the bridge over the River Uck is not listed on The Rivers Trust website for causing pollution or flood risk issues.

Officers have written to Southern Water asking for confirmation about any necessary upgrade works or to provide updated information should upgrade works not be required. Any details provided by Southern Water can be provided to Members prior to the meeting via the update procedure.

Officers recommend that a planning condition that ensures that should upgrade works for the connection to Southern Waters infrastructure be required, such works are undertaken prior to the occupation the development (should planning permission be granted) or with agreement in accordance with an approved phasing plan. Such a condition would ensure that should upgrades be required the Council would have confirmation that they are in place prior to the development adding flows the network.

Design and Layout

National policy expressed in the "National Planning Policy Framework" places emphasis on the importance of good design in the broadest sense. Chapter 12 of the NPPF sets out clear guidance relating to "Achieving Well-Designed and Beautiful Places." Paragraph 135 of the NPPF emphasises that developments should function well, add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character, built environment and landscape setting. Establishing a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places are emphasised. Saved Policy EN27 in the Wealden Local Plan also aims at achieving good design standards.

Proposed Site Layout

The application has been submitted with a design and access statement (D&AS) that at the start considers the historic context of the site and environs with regard to Buxted Park and the listed heritage assets in the area. It then considers views of the site and key views to aid in the consideration of the proposed development.



Proposed Site Plan

The layout builds from the proposed access onto the A272 with the main tree lined route providing views onto the central area of open space from the access into the site. The main route leads around the open space with smaller roads leading from it. The informal layout aims to replicate the rural nature of the area. The proposed SuDS basins and formal play space is located to the east of the site, along with a 15m buffer zone adjacent to the AW. The layout provides a footway link to the existing frontage footway along the A272 which provides a route around and through the proposed layout and into the western area of the site that would not be built upon, providing access to the open space.

The layout has been designed to provide four character areas comprising the Meadow Edge to the east where development would have large front gardens face toward the open field to the west. The Park View area is set back from the boundary with the A272 to tie in with the existing road frontage development to the east of the site. The D&AS explains that properties here would have a wide fronted form generous front and rear gardens and will comprise of detached and semi detached dwellings. The Village Green area lies in the centre of the proposed layout and would include tree lined streets, a denser build pattern off road parking and comprise a mix of semi detached and detached properties. The Woodland Edge lies to the north and east and comprises of larger detached properties benefiting from aspects toward open space or woodland set within larger plots.

The D&AS comments that the proposed masterplan frames key views over the heritage assets allowing green corridors in strategic places and that the bespoke layout has been developed based on the established principles set out in the SOS going onto comment that through the analysis of the history of the site and the context of Buxted Park certain design strategies have emerged, these being the reinstatement of the parkland area in the western part of the site, footpath connections with the park (would enhance the north east entrance) and there is scope to enhance the boundary treatments between the site and the park and application site to preserve the rural character experienced when moving along

the A272, as the proposed built form is set off the boundary. The D&AS considers that the above measures would minimise the effects of the proposed scheme upon the significance of heritage assets.

A good proportion of buildings at key viewpoints of the site would have dual frontages, this will benefit the public realm by adding visual interest as buildings will address public space with appropriately detailed frontages also providing good levels of natural surveillance.

The streets would be defined with structural landscaping and wide spaces between the built form, which opens up the development and allows landscaping to dominate. The submissions detail tree line streets throughout the proposed development. The dwellings are set back in the plots to provide gardens and provide an open setting within the public realm.

The layout is based on perimeter block housing with the majority of dwellings and gardens back to back and frontages orientated towards the public realm which gives good levels of natural surveillance and accords with the principles of Secured by Design. Where dwellings have side elevations facing rear amenity space first floor windows should be obscure glazed with fan light opening (1.7m above finished floor level) only. A planning condition is recommended to ensure this occurs should planning permission be granted.

Properties that are near footpaths have been orientated to improve surveillance and in instances where rear gardens are closest to footpaths a landscape buffer is proposed through planting as part of the soft landscaping scheme.

Properties on the development accord with the Council's minimum back to back distances of 21m, and where there is a slight reduction (0.5m) in this distance (plots 32 and 34) unit 34 is at an oblique angle to plot 32 and has an outlook more toward plot 31. The gardens of houses all meet or exceed the minimum standards set out in the Design Guide.

Officers did seek to reduce the number of garages to increase open views through the proposed development and reduce the overall quantum of built form. However the applicants did not wish to amend the scheme.

Design

The D&AS assesses the grain, density and build height of development in the village and to the west are explored, as is the landscaping and green infrastructure. Nearby boundary treatments are considered and assessed. The D&AS at part 3.0 includes a character study of the built form on the A272, Station Road and Buxted village centre and looks at adjacent properties and Hurstwood Road Oast Farm and Five Ash Down before appraising the character of nearby listed and non-designated heritage assets. Local typologies, detailing, boundary treatments, and materials are assessed to understand what is locally distinctive to the area.

The D&AS explains that the plots within the Meadow Edge character area will be influenced by the architectural style of properties situated along Hurstwood Road

and in the Park View are the architecture style derives from the cluster of listed buildings situated to the south-east of the application site. Within the Village Green the properties would be in a style in keeping with typical Sussex village green architecture using a mix of red brick and white painted brick will be used incorporating elements of Tudor boarding, timber weather boarding and hanging clay tile. In the Woodland Edge character area properties would take on a more rural aesthetic similar to that found within the outskirts of Buxted. These will feature red brick and timber weather-board.

The proposed development would utilise a range house types. The D&AS contains a number of CGI views of the proposed development a selection of these have been provided within this report as they do provide a clear representation of the design proposals that can be less straightforward to interpret than elevations that are often included within officer reports to committee.



CGI 6 above shows the frontage development west of the main access plots 1 to 6.



CGI 1 above is a view of plots 45 and 46 north of the central open space



CGI 2 above provides a view over the open space toward plots 6 and 7



CGI 5 above provides a view of plots 18 and 19

Where house types have hang tile feature there is a 'step out' detail common on traditional properties and key to securing authenticity, and there are patternated features to further embellish the elevations. Windows on brick dwellings feature a soldier course and brick detail at the sills. Dwellings located on corners have dual frontages enhancing the public space. The scheme would include dwellings with chimneys giving authenticity to the local vernacular dwellings. House types also have differing porch details to add further variety to the overall design.

The use of varying materials, and detailing on the house types proposed would provide for a quality development. Overall, the scale and design of development proposed would allow for a spacious and pleasant development that would not appear overly cramped from within. The detailing would provide for a scheme that can contribute and build upon the existing Wealden vernacular development within the vicinity of the site.

The submissions do indicate that suitable materials to build a quality locally distinctive development would be provided, however, a materials schedule has not been provided. To ensure the use of high quality materials to appropriately detail the house types, it is considered that a planning condition seeking samples of external materials to be submitted and approved be imposed on any planning permission granted.

Housing Mix

The Planning Statement notes that the public consultation exercise undertaken highlighted a concern with the affordability of housing in Buxted. The proposed mix has been amended (since the pre application proposals) to increase the amount of smaller dwellings.

Market Housing

The development would provide 32 market houses comprised of 18 x three bed (56.25%) 11 x four bed (34.38%) and 3 x five bed (9.38%). The submitted mix would mean 56% of the market housing would comprise of smaller three bed homes in mix of, semi-detached and detached dwellings across the site. The Council does not currently have a policy that requires a specific mix of market housing in this location.

Affordable Housing

17 affordable homes are proposed and this figure totals 35% that accords with Policy AFH1 of the Affordable Housing Delivery Local Plan. The applicants seek to provide the following affordable housing mix:

- 9 x Two Bed dwellings.
- 8 x Three Bed dwellings.

The Housing Service confirm there is a shortage of affordable housing in Buxted itself and the surrounding areas. The Housing Service comment that the application proposes 14 homes as affordable rent and 3 homes as shared ownership. They note that there is a government requirement to provide first homes which will affect the proposed tenure split. This matter can be addressed via s106.

The housing service comment that a breakdown of applications on the housing register have shown and need for smaller dwellings especially one bedroom units. The Housing Service are pleased to see the high proportion of two bedroom houses but would recommend the mix includes a couple of 1 bedroom units, noting this could be incorporated into the current design and provided as maisonettes. The applicants have not provided a response to this suggestion, although it would not be a matter that would affect the overall officer recommendation.

The Housing Service are pleased to see the generous proportions of the properties which exceed Nationally Described Space Standards. Also that it is proposed to install air source heat pumps to all of the units as many of our

Registered Partners will not purchase properties where the main energy source is gas.

Custom and Self Build

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

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

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. Therefore, 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 2 units. 2 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.

Sustainable Construction/Sustainability

The application submissions confirm each dwelling would be provided with electric vehicle charging facilities and safe cycle storage. A travel plan has been included on the suggested heads of terms and would set out how the applicants would seek to encourage/promote sustainable transport measures. The recommended heads of terms also include the requirement for the improvement of the existing footway along the sites frontage to provide pedestrian access to the local school and village centre, if approved the upgraded footway would enhance sustainable transport options for existing residents and the wider public. The provision of bus stops to serve the proposed development is also a suggested heads of term.

The submission Sustainability & Energy Statement confirms the following measures to reduce energy demand and provide low carbon construction/operation will be integrated:

- The statement sets out the fabric first approach to construction exceeding the limiting U-values required by the Building Regulations (Part L – 2021).
- It is proposed to install air source heat pumps to all houses the statement confirms that *'All heating to the homes will be provided by renewable technologies and there will be no onsite carbon or nitrous oxide emissions (CO₂ or NO_x).'*
- The water efficiency measures included will ensure that the water use target of 110 litres per person per day is achieved (shown to be 107.10 total litres at page 19)
- The carbon dioxide emissions are reduced by 49,898 kg CO₂ per year as a result of the energy efficiency measures and the air source heat pumps installed into the houses. This equates to a reduction of 71.43% over the current building regulations baseline.

A planning condition is recommended to ensure that the development accords with the specifications set out within the Sustainability & Energy Statement.

Impact on Neighbours/Local Area/Landscape

The comments of the neighbouring properties and other public representations made have been carefully considered during the formulation of this recommendation to members for approval. It is acknowledged that representations made also relate to matters outside of residential amenity. Planning matters raised material to this full planning application within the representations made have been discussed within the relevant sections of this officer report (for example flood risk).

The proposed development has been assessed against criterion 2 of saved policy EN27 which states that 'the proposed development should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of scale, height, form, noise and traffic movements. Yew Tree Cottage, Ramblers, Linden House The mill House and The Old Mill are in close to the south east boundary of the site, albeit there is an area of land (covered by a Tree Protection Order between their rear/side boundaries and the red line site area. The layout has dwellings set over 10m from the boundary with side elevations (plots 16 and 25) in the vicinity of Ramblers where there is an application to convert an annex to a dwelling to the rear of the house (the existing annex is set around 12m from the from the red line site boundary). If permitted the proposed development would not create an unacceptable adverse impact upon residential amenity.

The submitted Landscape & Visual Impact Assessment (LVIA) has undertaken an appraisal of the area using Ordnance Survey data, historical map data, local policy and published character assessments to inform the on-site field analysis inclusive of the identification of key viewpoints, to analyse the landscape character and visual environment of the local area, and determine the extent and

significance of any potential landscape and visual effects. The LVIA confirms the site is not visible from the High Weald National Landscape (approximately 1.4km to the north and 2km to the east of the Site at its nearest point) or its setting. The proximity of designated heritage assets is accounted for and discussed.

The LVIA sets out NPPF paragraphs it considers to be relevant as well referencing the Planning Practice Guidance, National Design Guide considered policies from the development plan and the Wealden Design Guide and undertakes a review of the national, county and local landscape character assessments to consider landscape character areas relevant to the site and local area.

The LVIA sets out the majority of vegetation boundaries that enclose the site are densely vegetated, with the exception of the southern boundary, which has a hedgerow of mixed native species along Station Road. The southern side of Station Road features mature treelines and high hedgerows, separating the Site from Buxted Park. Internally the Site features low value arable farmland and no landscape features of note.

The LVIA sets out that within the local area, woodland is prevalent with robust treelines around field boundaries, however, to the north the character is more arable with enlarged fields. The site itself is considered to relate more strongly to the arable character to the north. The LVIA states at paragraph 3.6 *'The Site is therefore contained within a mature, highly robust landscape framework, with some localised harm and change within the receiving landscape framework resulting from intensive farming practices'*. The closest Public Rights of Way (PRoWs) footpaths are located to the south-east corner of the site, on the opposite side of the A272 BUX/60/1 and BUX/61/1 run south-west through Buxted Park.

The LVIA sets out at paragraph 3.36. In terms of the susceptibility of the landscape resource to accommodate change of the type proposed, it is considered that the presence of the existing village edge immediately to the east and further development to the west reduces the susceptibility of the site to change resulting from residential development. The established vegetation structure along the site boundaries and localised landscape create a robust external edge to the site and form a defensible boundary between the settlement fringe and the wider countryside.

Paragraph 3.37 goes on to comment *'It is therefore considered that the landscape character of the site has capacity to accommodate sensitively designed residential development'*.

Table 1 in the LVIA includes an assessment of landscape value of the site and its setting based on the factors set out at box 5.1 in the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute) updated in the light of the Landscape Institute Technical Guidance Note 02/21 'Assessing landscape value outside national designations' (TGN 02/21).

Paragraph 3.40 of the LVIA says *'Given consideration of the above factors (in Table 1), overall, the Site is considered to be of medium landscape value, with*

some positive attributes and features, but is not elevated above an ordinary landscape and is not considered representative of a 'valued landscape' within the meaning of the NPPF paragraph 174a' (now paragraph 180).

The LVIA at 'Table 2: Landscape Sensitivity' sets out that the application site and immediate landscape setting have a medium landscape sensitivity.

A number of viewpoints have been identified to show the visually of the site within the localised wider setting and table 3 of the LVIA details the viewpoint locations, distance from the site, receptors and sensitivity.

The LVIA considers the viewpoints provide a broad range of representative views and that they illustrate the site is highly visually contained and intervisibility is highly localised and primarily relating to passing views along the A272.

The LVIA discusses the proposed landscaping proposals noting that they seek to incorporate a robust landscape strategy that will provide structure to the proposed residential development and tie in with the surrounding existing vegetation within the site's immediate context and wider green infrastructure. This green strategy will not only contribute to the sustainability of the site, but also assist in creating a high quality development which sits well within its landscaped context. Noting that the landscaping has been informed by the sites constraints and opportunities.

Based on the assessment of the LVIA it is understood that that the proposals would result in the loss of an area of arable farmland and this would result in harm the immediate landscape character. The work undertaken in the LVIA assessment has determined that the site is not prominent in the wider landscape. The LVIA considers that the proposed development would not have significant effects upon the wider landscape character areas (National County and Local).

Within the LVIA it is acknowledged that the proposed development would change the character of the site itself however, the site is located on the village edge with development backing onto the eastern boundary, reducing the susceptibility of the site to change. The passing traffic along the A272 would reduce the sense of tranquillity and remoteness that is more typical of the wider landscape character area from which the site is well separated. The proposed development seeks to adopt a landscape led design leaving an undeveloped parcel to the west with the central planting providing a sensitive buffer providing a verdant rural buffer between the extended edge of Buxted and the built from to the west around Harrock House. The layout seeks to build upon the established character of built from in the vicinity of the site with a layout proposing built from away from the A272 to enable landscaping to establish. The internal landscaped areas proposed would draw upon the local woodland character. Proposed tree planting within the scheme would break up the perceived built environment in close term views (A272).

Saved policy in the Local Plan and Core Strategy requires that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. It also requires an appreciation of the natural context, including views, scenery, hedges and trees.

SPO13 in the Core Strategy guards against development that would, individually or cumulatively, significantly degrade the quality of the local landscape.

As the proposed residential development would result in dwellings, accesses, open space and drainage features on the undeveloped site, there would be a significant change in the character of the site. There is an intrinsic beauty to the countryside, which would be eroded to some extent with the proposed development of this arable field.

A key element of the change to the landscape would come via the new access arrangement and associated loss of 32m of the existing hedgerow. This impact would be prominent and a significant change, however, the access is near to the village and off the A272 which in itself does not have a rural character due to the width and amount of traffic using the route.

In this case, the urbanisation of this site could not be said to contribute positively to the immediate landscape and would result in some erosion of the local landscape quality. As such, the proposal does not fully accord with the aforementioned policies. However, there is some mitigation and other circumstances which limit the degree of harm, given that the site abuts existing residential development that is already visible meaning the development would relate to the existing settlement in close term views.

The site would project further north than the existing incursions but it would be well screened by the proposed landscaping (in time) and the open field to the west would retain the village edge to a degree. As noted within the LVIA the effects of the proposed development are wildly limited to close term views so the effects of the development would mainly be limited to the immediate environ of the site where existing housing to the east and the A272 are prominent in views.

The proposed quantum of growth would enable the existing boundary treatments be retained and further mitigation would be afforded by landscaping proposals around and within the proposed development that would break up and soften views of the built form and along the frontage allow the existing pattern of development in the vicinity of the site to be continued.

If full planning permission is granted, the housing would change the character of the site and there would be some loss of tranquillity, but this would be largely confined to the site area itself and not the wider countryside, especially as the site is already adjacent to existing housing.

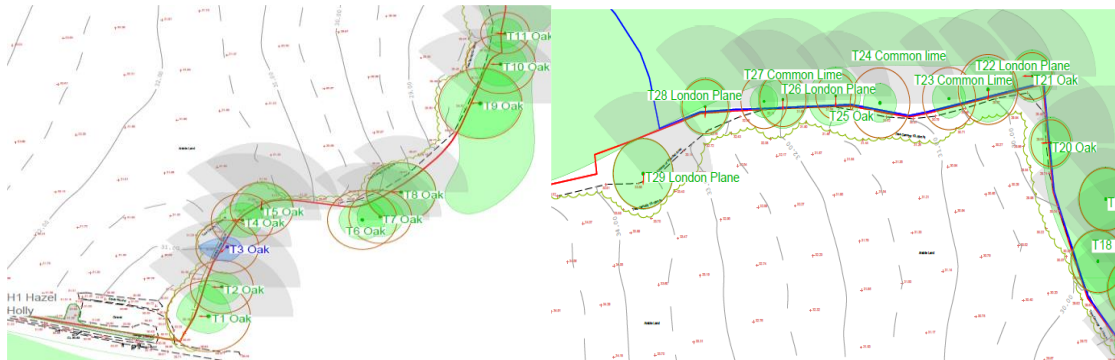
The harm to the landscape and the intrinsic beauty of the countryside and the existing settlement of Buxted considered to be is limited for the reasons set out above. This harm will be weighed against the benefits of the proposals in the latter 'Planning Balance'.

Tree and Landscaping Proposals

The submission Tree Survey Arboricultural Integration Report sets out that the proposed layout has been designed to minimise potential post-development pressure upon retained trees. The report confirms retained trees would not shade

For: Planning Committee North
Date: 18 April 2024

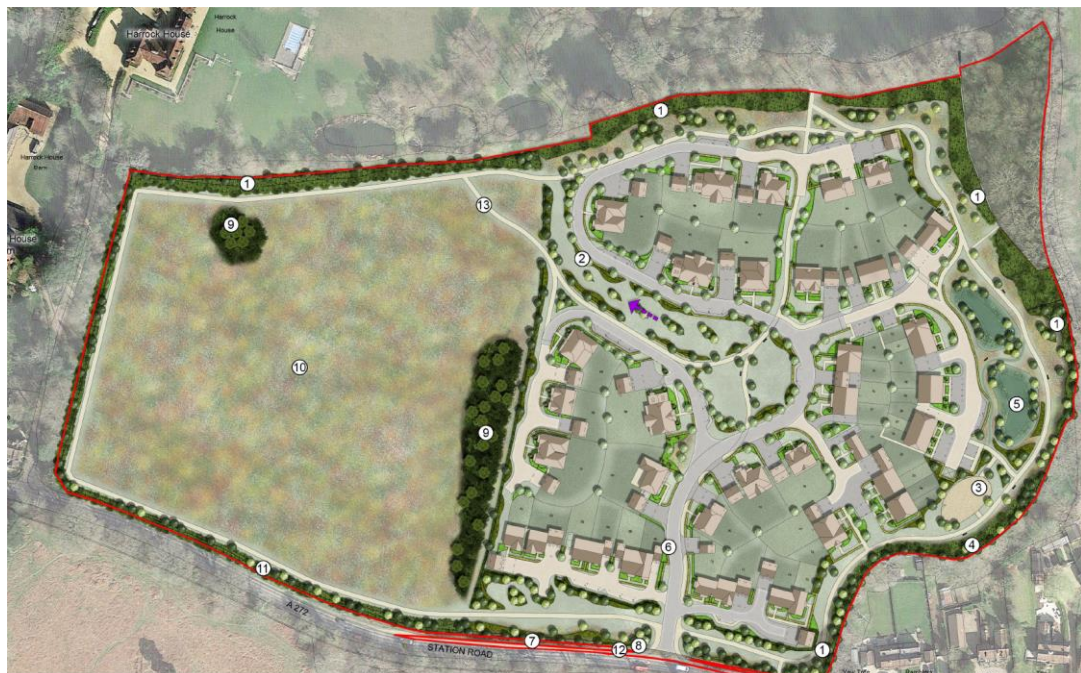
the proposed dwellings to an extent that would interfere with their reasonable use. The proposal encroaches the root protection areas (RPA) of six trees to be retained: Oaks T3, T4, T5, T9, T10, and London plane T29.



**Excerpts from Tree Survey Plan showing location of
T3, T4, T5, T9, T10 (left side) and London plane T29 (right side).**

The report details that the six incursions into RPAs equates to no more than 10% of their RPA which is stated to be significantly less than BS 5837 states trees can tolerate. The report states at paragraph 1.8 'Subject to the implementation of the tree protection measures as recommended in this report, none of the retained trees will be harmed by the proposals'. A planning condition is recommended that would ensure the proposed development proceeds in accordance with the Tree Survey Arboricultural Integration Report which includes tree protection measures.

The application has been supplemented with soft landscaping details detailed on a set of seven planting plans and a Landscape Strategy Plan.



Landscape Strategy Plan

The above plan sets the overall strategy for the soft landscaping proposed for the development, the numbers on the plan detail the strategy listed at the bottom of

the plan and as it would not be possible to read these, they have been set out below.

1. Proposed low scrub and native tree specimens
2. Swathes of native shrub planting and tree groups to extend the woodland character into the development.
3. Formal playspace established within a central nodal point and integrated with a high-quality landscape setting.
4. Woodland edge enhancements used to enhance residential amenity and provide a pleasant verdant backdrop to the residence backing onto the sites.
5. Attenuation zone integrated with public open space through wet Meadow native shrubs and tree planting
6. Internal street scenes enhanced with planting to impact verdant character
7. Station Road hedgerow retained and enhanced with native tree groups and shrub planting to enhance woodland character/visually integrate proposed built form.
8. Replacement mixed species native hedgerow to integrate new access point
9. Shaw woodland and boundary hedgerow in exact position as shown on the 1874 1:2500 scale Ordinance Survey map to reinstate historic small-scale field pattern
10. Western half of the site to be enhanced through reinstatement of historic parkland setting to Harrock House, incorporating meadow planting and maintaining the gap between settlements while imparting a rural character along Station Road
11. Roadside/Hedgerow tree planting to enhance hedgerow features and setting along station road
12. Access point will be sensitively integrated, avoiding any urbanised lighting scheme and over-engineering
13. Path within the western half of site will be finished in Hoggin surfacing.

With regard point 12 above, due to the requirements of the Highway Authority the hedgerow removal at the access has needed to increase to 32 meters (from the 20 meters stated with the application submissions) The further 12 meters of hedgerow removal is needed to secure safe visibility for pedestrians using the internal footpath. This requirement was made apparent in the consultation response received on the 04.04.2024 (at 16:32 pm) so the applicants did not have time to prepare amended plans before the deadline for Officer reports to committee. As noted in the heritage section of this report, Officers have assessed the scheme on the basis that 32 meters of frontage hedgerow would need to be removed to provide safe access. For information the submitted Tree Survey Arboricultural Integration Report states *'The hedgerow along Station Road is category 'C''*.

The applicants are preparing amended landscaping drawings to accommodate the requests of the Council's Biodiversity and Arboricultural Officer (to enhance the AW buffer and site frontage planting proposals) and officers have requested the amended plans detail the 32 meters of hedgerow removal. The amended plans are expected prior to the meeting of Planning Committee and information will be provided in the Officer written update. In addition, at this time the

necessity for street lighting has not been ruled out within the submitted transport documents.

As noted by the Council's Biodiversity and Arboricultural Officer the proposed landscaping will lead to a significant amount of biodiversity net gain. The layout has space to provide trees in the public realm throughout the development that will add to the visual amenity and provide cooling in summer months. The areas of open space would be suitably landscaped to both help soften the edges of the development, in close term views, and provide a good level of amenity for incumbents, as well as providing areas for wildlife habitat, both by way of retained connective vegetation (trees and hedgerows) and the planting of new vegetation. The landscaping of the play/open space, AW buffer, SuDS areas and paddock planting would provide varying types of habitat and establish further linkages between the site and wider landscape. The soft landscaping details provided within the submissions are considered to be acceptable.

The Landscape Strategy Plan details variation in the road surfaces between the more trafficked roads and the areas of the development with shared surfaces, however, details of the finishes for the road network and footpath network (in the developed part of the site) have not been provided. In addition, hard boundary treatment details have not been provided. It would be expected that in prominent areas within the public realm hard boundary treatments would be brick, adding quality to the space and providing a higher level of amenity protection for dwellings, unless the scheme demonstrates a more suitable solution for the proposed development can be demonstrated. To ensure suitable hard landscaping details are provided a planning condition seeking details of all hard landscaping is recommended.

Odour

The site lies approximately 141 Metres to the south west of the Buxted Waste Water Treatment Works (WWTW), and the consultation response from Southern Water as well as the Environmental Health Officer have sought an odour assessment to understand if there is any potential effects upon the proposed development from the operation of the WWTW. The applicants have provided an odour assessment and a further consultation with both Southern Water and Environmental Health has been undertaken, at the time of writing this report the responses have not been received.

Within their response Southern Water comment that *'Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour'.*

The Odour Report includes the Institute of Air Quality Management odour definition at paragraph 2.1.1, it sets out that the (IAQM) Guidance on the Assessment of Odour for Planning defines odour as: "[...] the human olfactory response (perception followed by psychological appraisal) to one, or more often a complex mixture of, chemical species in the air." Part 2 of the Odour Assessment

details odour impacts using the FIDOL acronym that is used to understand the factors that will determine the degree of odour pollution.

- Frequency - how often an individual is exposed to odour;
- Intensity - the individual's perception of the strength of the odour;
- Duration - the overall duration that individuals are exposed to an odour over time;
- Odour unpleasantness - odour unpleasantness describes the character of an odour as it relates to the 'hedonic tone' (which may be pleasant, neutral or unpleasant) at a given odour concentration/ intensity. This can be measured in the laboratory as the hedonic tone, and when measured by the standard method and expressed on a standard nine-point scale it is termed the hedonic score; and,
- Location - The type of land use and nature of human activities in the vicinity of an odour source. Tolerance and expectation of the receptor. The 'Location' factor can be considered to encompass the receptor characteristics, receptor sensitivity, and socio-economic factors.

The report details that potential odour sources associated with operation of the WWTWs were identified based on a site layout plan provided by Southern Water and satellite imagery. The odour sources at the WWTW are set out at table 3 of the Odour Assessment. The assessment area for the report was defined based on the site location, anticipated pollutant dispersion patterns and the positioning of sensitive receptors. The meteorological data used in the assessment was taken from Herstmonceux meteorological station over the period 1st January 2018 to 31st December 2022 (inclusive). The Odour Assessment finds that the significance of odour impacts as a result of emissions from the WWTWs are predicted to be negligible at all receptor locations. With the Odour Assessment finding that, *'predicted odour concentrations were below the 3.0ouE/m3 benchmark level at all receptor locations for all modelling years. It should be noted that predicted concentrations at the receptors were also below the more precautionary EA benchmark of 1.5ouE/m3 in all cases'*.

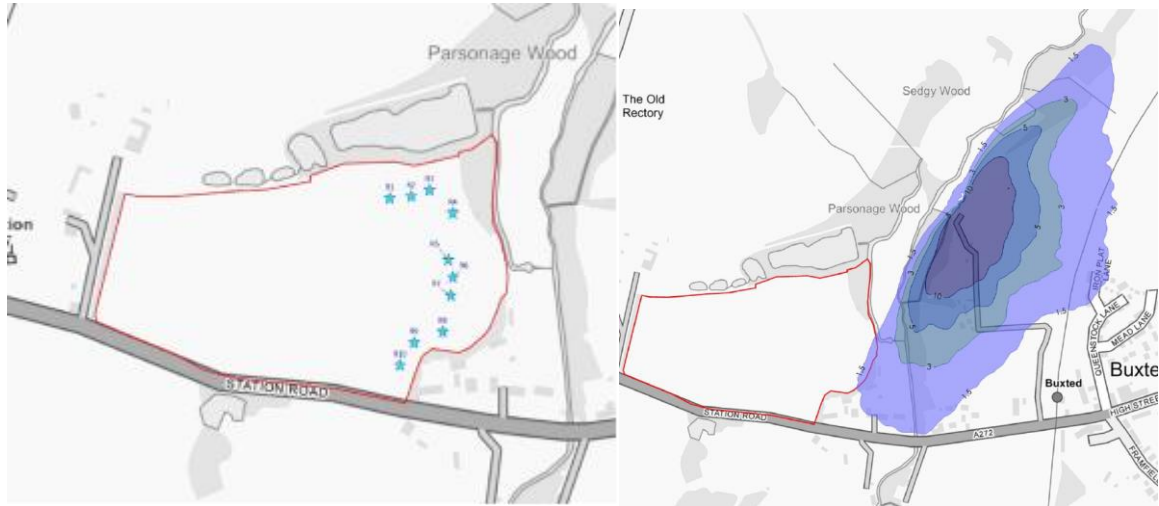
Table 8 in the Odour Assessment details odour exposure level and receptor sensitivity.

Table 8 Odour Impact

Odour Exposure Level as 98 th %ile of 1-hour Means (ouE/m ³)	Receptor Sensitivity		
	Low	Medium	High
Greater than 10	Moderate	Moderate	Substantial
5 - 10	Slight	Moderate	Moderate
3 - 5	Negligible	Slight	Moderate
1.5 - 3	Negligible	Negligible	Slight
0.5 - 1.5	Negligible	Negligible	Negligible
Less than 0.5	Negligible	Negligible	Negligible

Paragraph 3.12.2 states *'The IAQM Guidance on the Assessment of Odour for Planning states that an assessment must reach a conclusion on the likely*

significance of the predicted impact. Where the overall effect is moderate or substantial, the effect is likely to be considered significant, whilst if the impact is slight or negligible, the impact is likely to be considered not significant. It should be noted that this is a binary judgement of either it is significant or it is not significant'.



Except from figures 3 and 6 of the Odour Assessment

Figure 3 (left side) shows the location of the sensitive receptors within the proposed development site. Figure 6 (right side) shows the contour of the odour from the WWTW based on the assessment within the Odour report. The purple area is the 1.5 odour contour

Officers have included figure 6 as it shows the worst case scenario from the figures included within the Odour Assessment the figures shown with the odour contours relate to the 5 years of metrological data (wind roses) used to compile the Odour Assessment.

The Odour Assessment details that the proposed built form within the site would be outside of the 1.5 odour contour, Therefore, Officers can be confident that notwithstanding any consultation response from Southern Water or Environmental Health (to be included within the officer update), the location of the WWTW would not have an adverse impact upon the amenity of the incumbents of the proposed development.

Environmental Health have suggested a number of planning conditions within their consultation response. A code of construction practise condition was also requested by the Highway Authority and has been recommended, likewise with a suggested condition to control lighting, which was requested by the Councils biodiversity and Arboricultural Officer, has been recommended. The air quality mitigation condition has been recommended, in accordance with the criteria for their requirement as set out in the Air Quality and Emissions Mitigation Guidance for Sussex (2021). An hours of operation condition has been recommended to protect residential amenity.

Environmental Health comment that the proposed layout includes dwellings around 20m from the A272 and there may be noise associated with the operation of the WWTW. Environmental Health expect a noise impact assessment to be provided that will demonstrate whether any mitigation is required for habitable rooms within the development. A condition seeking a noise assessment has been requested. In light of the advice from Environmental Health, Officers have recommended that a planning condition seeking the submission and approval of a noise assessment be included on any planning permission granted.

Reduce time limit for Planning Permission

Whilst the Council has begun the process of the next Local Plan, that will take some time. The Council needs housing now. There is a shortfall in the five year supply. It is not possible to defer decisions on planning applications and to wait for the next development plan. Whilst both area committees have been permitting recent applications, where justified, we are considerably short of the five year supply. The need is pressing. There are also other issues as mentioned elsewhere in the report regarding affordable, custom and self-build housing, together with boosting housing delivery and choice.

The Planning Statement discusses reduced time for implementation, noting that the District needs housing now. In response to this the Statement confirms that the full application route has been used (as it is quicker than outline and reserved matters) and that further to this the applicants are willing to consent to a planning condition requiring the commencement of the development within a shorter timescale than the relevant default period. The Statement confirms the applicant is willing to accept a condition that reads *'The development hereby permitted shall begin not later than 18 months from the date of this permission'*

It is possible to add a planning condition requiring the commencement of the development within a shorter timescale than the relevant default period, as Paragraph 81 of the NPPF makes provision for. The key thrust behind this is to try to ensure all dwellings are able to be counted as 'deliverable' within a five year period.

Developer's Contributions

Many of the representations made against this application refer to the effect of the development upon local services, with specific reference to the school and local doctors.

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 could also help meet the demands placed on education, health care, library provision, waste management facilities, infrastructure and community safety facilities by residents of the development if planning permission is granted.

Planning balance

The Council cannot demonstrate a five-year supply of deliverable housing sites. This means that policies relating to the supply of housing should not be considered up to date and that the proposals should be considered in the context of the presumption of sustainable development as set out in the NPPF.

(i) Housing Land Supply

The proposed development would bring substantial benefits in terms of contributions to housing supply and the provision of market and affordable housing (subject to the completion of a legally compliant s106 agreement) in the context of the Council's shortfall in housing land supply and the Government's imperative to boost the supply of housing. This carries significant social weight and is a positive impact in the balancing exercise;

(ii) Affordable Housing

The provision of affordable housing is also of very significant social weight towards meeting affordable housing needs within the district and therefore again is a positive impact in the balancing exercise;

(iii) 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.

(iv) Improved Local Spending

With regard to the weight afforded to the economic benefits of supporting the facilities and services within Buxted Village, 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. Buxted is classified as a Local service centre which is a smaller settlement where local services would benefit from increased patronage. With the sites proximity to local services there is likelihood that incumbents would provide long term support to the village services and are likely to make a difference to the viability of the services within the village. These benefits are afforded moderate economic weight in the balancing exercise.

(v) 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. However, this development proposes substantially more open amenity and landscaped areas than policy requirements. These social and environmental benefits are afforded moderate weight and are a moderate benefit in the balancing exercise.

(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. The Councils Biodiversity and Arboricultural Officer notes that the development would provide significant biodiversity net gain. These environmental benefits are afforded moderate weight and are a moderate benefit in the balancing exercise.

(vii) Landscape impact

In meeting the environmental role the loss of a field to development will have a permanent impact on the character of the immediate locality, but the change is not considered to be harmful to the wider landscape character, having regard to the findings of the LVIA and assessment of the site by Officers. Provided the development is set back from the boundaries and appropriate structural planting and buffer planting are incorporated into the scheme design (as detailed within the application submission) this should reduce the visual impact of the development from local views. These environmental impacts are afforded limited weight and considered to be a minor impact in the balancing exercise.

(viii) Access and Highways Impact

Satisfactory highway access can be achieved without detriment to highway safety. 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. ESCC Highways have confirmed they have no objections to the development on highway grounds subject to completion of a legal agreement and conditions as set out under the recommendations and conditions at the front of this report. A financial contribution will be secured through the legal agreement for the improvement of bus services and bus stops to serve the development would be secured. Having regard to the accepted mitigation by the statutory consultees, environmental impacts are given no weight and considered a neutral impact in the balancing exercise.

(ix) Design and Sustainability

The design has been informed by a thorough understanding of the character of Buxted and draws on local buildings of high-quality design for inspiration. All heating to the homes will be provided by renewable technologies and there will be no onsite carbon or nitrous oxide emissions (CO₂ or NO_x). If current Building Regulation standards were adhered to the development would emit 69,859 kg CO₂ per year. The development will result in just 19,961 kg CO₂ per year after the energy efficiency measures outlined in the Sustainability and Energy Statement are implemented. This is a substantial reduction of 71.43%. These environmental benefits are afforded moderate weight and are a moderate benefit in the balancing exercise.

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, the presumption in favour of sustainable development is applicable, and the application should be approved.

Habitat Regulations Assessment

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

the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

Assessment of likely significant effects on the SPA

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.

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

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. It is somewhere future residents of the home(s) proposed would likely wish to visit for recreation. Evidence in the form of visitor surveys carried out for the Council demonstrates that residents living within 7km of the Ashdown Forest are likely to visit it. This would provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Due to the small scale of the proposed development there is no scope to provide on-site mitigation for the impacts on the SPA. Thus, it is necessary to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with the tariffs in the Council's Ashdown Forest Mitigation Zone Background Paper. This is an approach supported by Natural England (NE).

The contributions would be used to improve the visitor experience at the nearby strategic SANG in order to displace recreational trips away from the SPA. There is capacity at the strategic SANG to accommodate the recreational trips that would arise from the application scheme. The contribution towards SAMM would be used to monitor and limit recreational disturbance at the SPA.

The mitigation would help support an alternative recreational destination for residents of the scheme and assist in managing the SPA in a favourable condition as a habitat for Dartford warbler and European nightjar. The mitigation

would ensure the proposal would not adversely affect the integrity of the SPA, as its condition need not deteriorate as a result of the application.

The contributions would be directly related to the impacts of the proposal on the SPA and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy. Accordingly, the contributions towards SANG and SAMM are obligations that can be taken into account

In conclusion, subject to the mitigation discussed above and secured through the planning obligation, the scheme would not adversely affect the integrity of the SPA in view of the site's conservation objectives. Accordingly, the proposal would not be at odds with Policy WCS12 of the Wealden District Council's Core Strategy and saved Policies EN1, EN7 and EN15 of the Wealden Local Plan (1998).

Assessment of likely significant effects on the SAC

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

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

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

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

knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

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

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

Officer Note: the Appropriate Assessment has been the subject of consultation with Natural England, no objections were raised in their response.

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, in order to provide certainty.

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 and control of hours of site operation conditions are required in the interests of the amenity of occupants of properties nearby, and the construction management plan condition 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 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, as

well as to protect the AW next to the site. 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. Provision of car parking spaces and cycle parking are necessary, as these elements would be essential to provide suitable development.

Conditions are necessary to ensure ecological mitigation is provided, and any further survey work recommended in the submitted reports is carried out. Tree protection measures are also required. Biodiversity enhancement is necessary in accordance with the Framework and the landscaping plans would be included on the condition setting out plans.

Conditions are necessary to ensure appropriate hard landscaping and external materials to provide suitable development.

The previous use of the site may have caused land contamination. A condition securing the submission of a report to address any unknown contamination identified is considered necessary to provide suitable development.

A condition for a scheme to ensure the WWII pillbox is appropriately considered is necessary to ensure its setting is not adversely effected and to provide further survey work to inform a scheme of interpretation, which could be a heritage benefit is considered necessary

Conditions relating to air quality assessment (mitigation of effects) and noise mitigation for road waste water treatment and air source heat pumps have been recommend as the mitigation of air quality impacts and dwellings that provide a suitable level of amenity would be essential to provide suitable development

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

5. Conclusion

The submitted supporting information and drawings, together with the consultation responses (both statutory and non-statutory) and representations from other interested parties made against this full planning application for 49 dwellings have been fully assessed and carefully considered by Officers.

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 proposal seeks full planning permission for 49 dwellings, associated infrastructure and landscaping in a location, outside of any development boundary in the adopted development plan. Whilst the development is in conflict with Policies GD2 and DC17, which restricts development in the countryside,

material considerations that weigh heavily in favour of the development is the housing need and that the Council is unable to substantiate a five-year supply of deliverable housing land. The proposal would assist in the provision of housing and contribute to the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

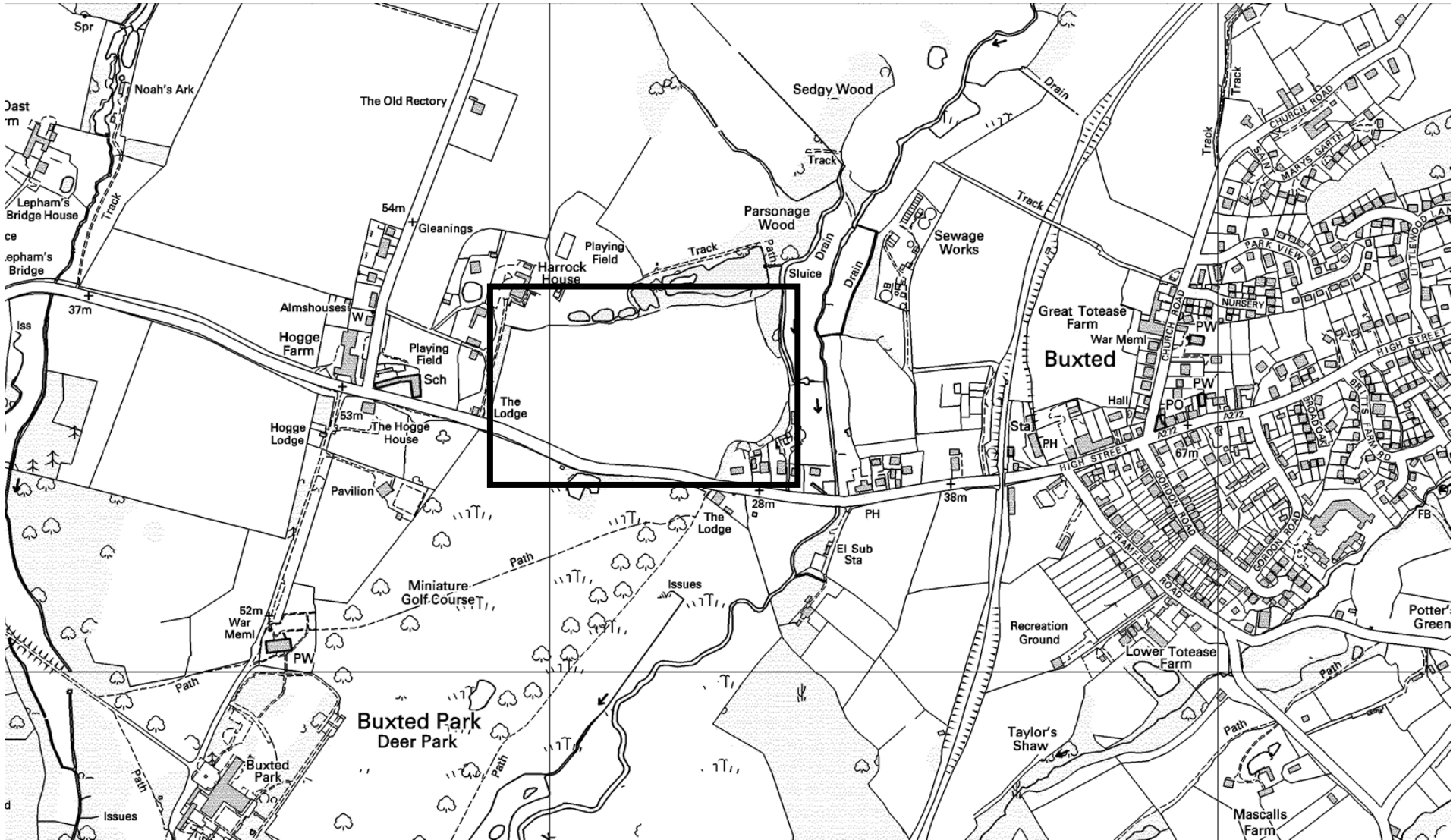
Having regard to the planning balance and the considerations set out in the main body of the report, it is recommended that the application is APPROVED subject to the recommendation set out at the front of the report including completion of a legal agreement and conditions.

6. Contact points and references

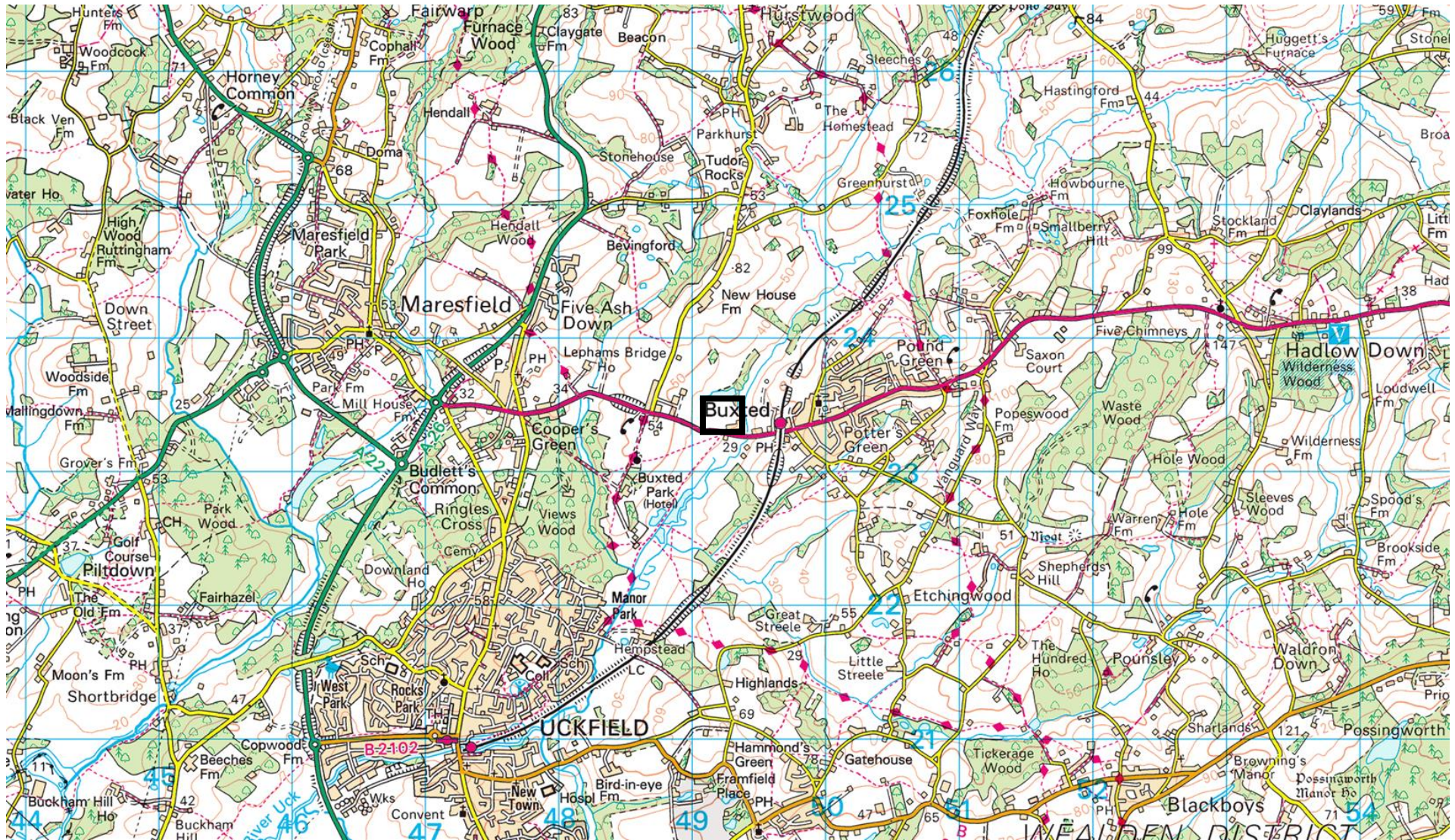
Team Leader	Samantha Prior – Tel: -01892 602479
Case Officer:	Mr M Taylor, Senior Planning Officer – Tel: 01892 602560
Ward Member:	Cllr G Shaw



Date: 18 April 2024



For: Planning Committee North
Date: 18 April 2024



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