

Delegated Officer Recommendation

Case Officer: CT **Date:** 30 June 2023
Consults Expiry: 1 March 2023
Site Notice Expiry: 13 March 2023
Advert Expiry: 24 March 2023
Neighbour Expiry:
Expiry Date: 30 June 2023
Extension of Time: 30 June 2023
BVPI Category: Large scale
Major

WD/2022/3222/MAO

DEVELOPMENT OF UP TO 124 NO. RESIDENTIAL DWELLINGS, ASSOCIATED INFRASTRUCTURE (INCLUDING A NEW ACCESS JUNCTION ONTO THE A271) AND OPEN SPACE.

LAND TO THE SOUTH OF THE A271 AND EAST OF THE A22, LOWER HORSEBRIDGE, HAILSHAM

Parish: Hellingly

Received Complete: 2 February 2023

LB ref:

Cons Area:

Recommendation - Refusal

Case Officer **Initials** CAT **Date** 30.06.23

Pre-commencement conditions agreed with applicant? N/A ☐ (tick)

CIL Liability checked by Officer **Initials** CAT **Date** 30.06.23

NOT APPLICABLE - REFUSAL

CIL Liable Yes

CIL Exemption Claimed No

Team Leader/Senior **Initials** SJB **Date** 30/06/2023

Authority to Delegate Required? ☐ NO **Date**

Fields filled in on Custom screen on Datawright? ☐ (tick)

Admin

Decision notice checked **Initials** BH **Date** 30.06.23

CIL Liability Notice Issued

	NO	Date	30.06.23
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Reason CIL Notice Not Issued:

- ☐ Less than 100 m²
- ☐ Not Residential
- ☐ No increase in floor area
- ☒ Other: **refusal**

1. The site lies outside any development boundary and within open countryside where the principle of residential development would be unacceptable having regard to local planning policy as it would be contrary to policies GD2, DC17 and EN27 of the Wealden Local Plan 1998 and Policy WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (CS). These, taken together and amongst other objectives, preclude development within open countryside, set a classification of settlements suitable for additional housing and the quantum of housing and also seek development that respects the character of the area.

The proposed development would be detrimental to the character and appearance of the locality. Any residential development on this site will inevitably and irrevocably change the character and appearance of this part of the River Cuckmere corridor, which is an important swathe of undeveloped land separating the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham, by extending development southwards and the harmful urbanising impact which would arise from the development. The application site is considered integral to the character and visual setting of the River Cuckmere corridor. As such, the application site holds not only visual significance in terms of the landscape setting but also in terms of the historic settlement form and character and its relationship to the listed buildings to the north and west.

The proposed development for 124 dwellings on this site represents an unacceptable and inappropriate form of development. The development as indicated on the submitted plans is considered to be overdevelopment of the site, fails to reflect the existing grain of development and is poorly related to the surrounding built form and landscape. The development would appear as a highly urbanised housing estate, out of keeping with the rural location and existing low density development.

It is considered that the adverse harm caused by the development resulting in urbanisation of agricultural land and impact on the landscape and historic character would be contrary to local planning policies that seek to protect and complement the environment. The development does not therefore meet the definition of sustainable development within the National Planning Policy Framework and the adverse harm identified would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be contrary to Policies GD2, DC17, EN1, EN2, EN8, EN14, EN27, EN29 and TR13 of the Wealden Local Plan; Spatial Planning Objective SPO13 and Policies WCS6, WCS9, WCS12, WCS13 and WCS14 of the Core Strategy, Policy LBH1 of the Hellingly Neighbourhood Development Plan and National Planning Policy Framework policies relating to sustainable development including Paragraphs 7, 8, 9, 10 and 11, those requiring good design in particular Paragraphs 130, 131 and 134 and those that seek to ensure that development protects and enhances the natural and built environment in particular Paragraph 174

in addition to advice in the Wealden Design Guide 2008, adopted Supplementary Planning Document, Chapter 2 Section 3, Chapter 5 Section 8 and Chapter 7.

2. The development would undermine the character of the setting of Brook House and Boship Farm Hotel by virtue of divorcing them from their countryside setting, providing an alien and urbanising development which by virtue of the scale, form and quantum of development would cause unacceptable harm to the character and significance of the setting of the heritage assets, and that this harm would not be outweighed by the public benefits resulting from the proposal. As such the proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy EN1 and EN27 of the Wealden Local Plan 1998, Policy SPO2 of the Core Strategy and paragraphs 130, 189, 197, 199, 200 and 206 of the National Planning Policy Framework and Chapter 5, 7 and 12 of the Wealden Design Guide.
3. The proposal has failed to demonstrate that, the site is suitably accessible by non-car modes. The development would therefore be contrary to Saved Policies EN1, EN2, TR3, TR13 and CS1 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO7 and SPO15 and Policies WCS7 and WCS14 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 111 and 112..
4. The Planning Statement confirms the intention to deliver a policy compliant scheme to secure affordable housing. Custom build or self build homes will also be required. No mechanism exists to secure an appropriate package that would ensure delivery of these matters and as a result the proposed development is contrary to the provisions of Policy AFH1 of the Affordable Housing Delivery Local Plan 2016, Spatial Planning Objective SPO3 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and paragraphs 60, 61, 62, 63 and 65 the National Planning Policy Framework 2021.
5. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped.
Flood Risk Assessment and Surface Water Drainage Strategy Rev A	STN4R 8 December 2022
Landscape and Visual Appraisal	8 December 2022
Illustrative Landscape Strategy	8 December 2022
Utilities Appraisal Report	8 December 2022
Ecological Appraisal	8 December 2022
Ground Contamination Assessment	8 December 2022
Transport Assessment	8 December 2022
Desk Base Heritage Assessment	8 December 2022
Planning Design and Access Statement	8 December 2022
Biodiversity Net Gain Report	8 December 2022
Composite Plan – NW Hailsham Growth Approved, proposed and potential development Dwg no/231703C/P0010	2 June 2023
Site Access Layout Dwg 332110699_5501_SK009 Rev P01	2 June 2023
Technical Note: Response to ESCC Highways	2 June 2023
Illustrative Masterplan TOR-XX-ZZ-DR-A-P010 Rev B	2 June 2023
Parameters Plan Maximum Building Heights and Access TOR-XX-ZZ-DR-A-P011 Rev B	2 June 2023

Vehicle Tracking for 11.2m Refuse Vehicle 332110699_5501_SK004 Rev P01	4 April 2023
Vehicle Tracking for 7.9m Emergency Vehicle 332110699_5501_SK005 Rev P01	4 April 2023
Technical Note RSA Stage 1 Response TN001 V2	2 February 2023
Ecological Impact Assessment	2 February 2023
Lighting Strategy Report	2 February 2023
Energy Statement	2 February 2023
Biodiversity Metric	12 January 2023
Air Quality Assessment	9 December 2022
Noise Impact Assessment	9 December 2022
Arboricultural Impact Appraisal and Method Statement	8 December 2022
Site Location Plan Dwg 231703C/007	8 December 2022
Winter Bird Survey	8 December 2022
Manual for Managing Trees on Development Sites	8 December 2022
Tree Protection Plan	8 December 2022
Topographical Survey	8 December 2022
Framework Travel Plan	8 December 2022

REASON: For the avoidance of doubt.

6. In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 38 of the National Planning Policy Framework 2021. However, the planning constraints leading to this refusal of permission do not appear capable of resolution.

NOTE 1: Reason 4 is a matter that can be secured through an appropriate legal agreement and Statement of Common Ground. That being so, this reason would not be contested in any s78 appeal.

Site Description

The Site

The site is located on the southern edge of Lower Horsebridge adjacent to the Boship roundabout junction between the A22, A267 and A271 and close to the north-western edge of Hailsham. The site is currently accessed from the A22 bypass or A271 via gated field accesses. A narrow (around 1m) footway is available along the site frontage on the A271.

The River Cuckmere lies beyond the southern boundary of the site. The site forms part of the wider River Cuckmere corridor which continues to the north towards Hellingly and to the south towards Upper Dicker. This corridor is an important stretch of undeveloped land which separates the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham. It is a low lying area with a significant part of the site within flood zones 2 or 3.

Relevant Planning History

See planning history sheet on the Wealden Council website.

Constraints

The application site:

- is located outside any defined development boundary;
- lies within the Low Weald landscape character area;
- is within the setting of the grade II listed Brook House and Boship Farm Hotel;
- extends into Flood Zone 3; and
- sits within red and amber impact risk zones for great crested newts.

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 19th February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies via Direction of the Secretary of State dated 25 September 2007).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)
- Wealden Design Guide, November 2008, as a Supplementary Planning Document
- Herstmonceux), Hailsham and Hellingly Neighbourhood Plans

High Weald AONB Management Plan
National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Relevant Policies

Wealden Local Plan 1998: Saved Policies GD2, EN1, EN2, EN8, EN12, EN14, EN27, EN29, DC17, TR3, TR13, LR1, LR3, LR5, CS1 and CS2.

Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013: Policies WCS1, WCS2, WCS4, WCS5, WCS6, WCS7, WCS9, WCS12, WCS13 and WCS14 and Spatial Planning Objectives SPO1, SPO2, SPO3, SPO7, SPO8, SPO9, SPO10, SPO11, SPO12, SPO13, SPO14 and SPO15.

Affordable Housing Delivery Local Plan 2016: Policy AFH1.

Hellingly Neighbourhood Plan July 2021: Policies HNBP3, HNBP4, HNBP5, HNBP8, LHB1 and LBH2.

Wealden Design Guide 2008 (adopted Supplementary Planning Document): Chapters 2, 3, 4, 5, 7, 8 and 12.

Consultation Responses – Statutory Bodies and Residents

Highway Authority

Summary: Two responses (received 28.06.23 and 13.04.2023)

OBJECTION

Second Consultation Response

OBJECTION

Accessibility

The applicant has sought to address the accessibility deficiencies associated with the site and proposes a number of measures to improve the connectivity.

The applicant has argued that the site is similarly accessibility to other development sites in the area. However, the issue with this site is the disconnect of the site from the rest of Hailsham due to the Cuckmere River, undeveloped land to the south and lack of connection to other residential development. It is likely that residents will perceive the distance to Lower Horsebridge and Hailsham and local services, to be too great for active travel and not suitable for non-car use. All residents will have to walk and cycle north out to the A271 to travel south and east. To overcome this the applicant needs to provide many sustainable travel measures to reduce the attractiveness of a car trip out to Boship roundabout, along the by-pass into Hailsham or onwards to Eastbourne for services, retail, education, employment etc etc.

The mitigation measures (including the travel plan) should therefore be exemplar to achieve sustainable travel take up.

The applicant has offered the following:

- *3m shared walking and cycling path, with a 0.5m carriageway separation, provided on the A271 Lower Horsebridge between the Boship Roundabout and the urban footprint to the east of the site (Shown in **Attachment 2 of the TN**).*

- *Reduction of the speed limit on A271 Lower Horsebridge Road to 30mph, between the Boship Roundabout and the existing 30mph limit to the east of the site.*

Acceptable subject to a Traffic Regulation Order

- *New bus stops, pole, shelter, real time information sign and crossing provision, at an appropriate location to the west of the current bus stops. An indicative location for the bus stops is shown in **Attachment 2** (subject to agreement with ESCC, third-party land ownership checks and a Road Safety Audit).*

RSA now?

- *Contribution of £1,100 per dwelling towards improving bus services in the area.*

Noted

- *An uncontrolled crossing facility on the A271 Lower Horsebridge Road comprising a pedestrian island, dropped kerbs and tactile paving,*

Attachment 2 shows the shared footway/cycleway, pedestrian crossing and bus stops. All are welcomed and are acceptable as far as they go but the works go no further than The Paddock, approximately 65m from the site's eastern boundary. Cyclists then need to join the carriageway. I acknowledge as I did previously that the proposed 30mph limit may make cycling more attractive, but I also pointed out that that A271 carries over 10,000 vehicles per day. The horizontal alignment of the route through Lower Horsebridge affects forward visibility and limits places where vehicles can safely and confidently overtake cyclists.

The pedestrian island shown, only connects pedestrians to the proposed bus stops rather than to a pedestrian route along the northern side of the A271 continuing to Lower Horsebridge.

The bus stops may not actually be deliverable, as the applicant has noted, due to third party land constraints, albeit that WDC may be the landowner. I am unaware of the applicant having had any discussion with WDC on this matter. The details of the bus stops should be more definite to allow me to accept the proposal.

No RSA has been submitted to support the update access scheme nor any liaison with ESCC in relation to the tie in with the Boship roundabout improvement scheme.

The comments I made previously on the Travel Plan have not been acknowledged in the TN nor a greater commitment to the Travel Plan given.

The applicant has stated that wider accessibility improvements are not within the developer's remit to fund or deliver and that all LCWIP and off-site schemes would be funded by CIL. I do not accept that. In this case the site is isolated from the rest of Hailsham and Lower Horsebridge, and should therefore provide or contribute towards improving routes relevant to site residents ie routes to Hellingly schools. The Highway Authority has secured contributions towards or works for Hailsham LCWIP schemes associated with development in Hailsham/Hellingly. The examples of other developments cited as only providing local connections is not the case and some of the contributions secured are for LCWIP schemes.

Boship roundabout

The modelling work undertaken to support this application has now been included in the TN (Attachment 4). Boship roundabout modelling was commissioned by the applicant and undertaken by my colleagues. The assessment shows that Boship roundabout would operate beyond capacity with development traffic added but went on to show that with the proposed signalisation of the roundabout as part of ESCC's MRN package of works, that the roundabout would operate satisfactorily.

Funding for Major Road Network interventions

For development of allocated (or tested sites) it has been agreed by WDC officers that Community Infrastructure Levy (CIL) funds would complement Major Route Network (MRN) funding from government to deliver the package of works on the A22.

In April I commented that given that this site is speculative with no Local Plan or policy basis, it may be more appropriate to secure a specific contribution towards the MRN schemes. In discussion with colleagues and to ensure the additional impacts of this development on the strategic highway network are mitigated, £1000 per dwelling is required towards works on the A22 corridor namely Boship roundabout.

Refuse vehicle access

Amended tracking drawings have been submitted showing how a 12m refuse vehicle would access the site following my comment that the smaller vehicle tracked previously was the wrong size.

The new junction will be able to accommodate these larger vehicles. Clarification should be sought from WDC as to which is the correct size vehicle. Further tracking will be required for the whole site once the on-site road network is known.

Internal layout.

The internal roads are proposed with a 20mph limit. A design speed of 20mph is expected by the Highway Authority in any event. If a formal 20 mph speed limit is required, a further Traffic Regulation Order will be necessary, along with a further fee of £5000 to cover ESCC costs for progressing the order.

Conclusion

I remain concerned that the site is not suitably accessible. While the applicant has sought to improve walking, cycling and bus services at the site, the distances and routes to local services- schools, employment, retail etc remain unattractive. It is unlikely that this site can meet my requirements due to third party landownership, the distances involved and the site location. The site is located adjacent to the A22 and does not adjoin the existing built up area to the south. In effect it faces away from Hailsham. This will no doubt mean car trips will remain attractive at the site as residents seek a most direct/unencumbered route to Hailsham via the by-pass or by-pass Hailsham to reach other towns/centres.

I object to this application for the following reason:

It has not been demonstrated that, the site is suitably accessible by non-car modes, and the development would therefore be contrary to para 111 and 112 of the National Planning Policy Framework.

Obligations and Conditions

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

s106 obligations

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

I require the further works not agreed by the applicant

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

Conditions

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

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

2 The access shall not be used until visibility splays of 2.4m by 90m to the east and 210m to the west of the proposed access are provided in both directions and maintained thereafter.

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

3 The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

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

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

5 The development shall not be occupied until cycle parking areas have been provided in accordance with approved plans and details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

6 The development shall not be occupied until turning spaces for vehicles likely to visit the site have been provided and constructed in accordance with the plans/details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

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

7 Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding

8 Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed roads, and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority with a view to their subsequent adoption as a publicly maintained highway

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

9 The new estate roads shall be designed and constructed to the Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

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

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

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

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

First Consultation Response

OBJECTION

Executive Summary

This application seeks permission for 124 residential dwellings.

The applicant sought highway and transport pre-application advice in relation to a proposal for 150 dwellings in 2022 but the process was not completed.

The accessibility of the site has not been fully appraised nor appropriate connections proposed to enable appropriate non car travel at the site.

The TA has been submitted without a conclusion on the impacts on Boship roundabout (A22/A267/A271 roundabout junction)

As such I object to this application as submitted.

Notwithstanding the above I have the following comments on the other elements of the planning application.

Response

Planning Status and Pre-application advice

This is a speculative application in that it has not been tested through a Local Plan process. As such the principle of development has not been established so the impacts of the development are expected to be assessed fully through the submitted TA.

The applicant did seek pre-application advice but it would appear that while some of that advice informs the TA, the required modelling of the Boship roundabout was not completed. The TA has been submitted without that detail. The TA refers to that missing information.

It should also be noted that the Transport Assessment does not follow a “decide and provide” approach to development impacts (whereby we agree what we want the development to “look” like and decide which measures and interventions to provide to achieve those outcomes). ESCC will be adopting this approach for major developments going forward as a means of promoting sustainable development. The TA is incorrectly focussed on car travel.

Site and surrounding network

The site is currently in agricultural use and is approximately 7.6 hectares. It is located to south of the A271 and east of the A22 in Lower Horsebridge in the parish of Hellingly. Hellingly and Lower Horsebridge are historic villages. The parish of approximately 8500 residents is set to grow with a number of major development sites under construction/with planning permission in the parish.

The development would be an edge of town development (albeit with gaps between the site and Hailsham to the south) by its nature far from local facilities. It would have good road connections.

The site is currently accessed from the A22 bypass or A271 via gated field accesses. A narrow (around 1m) footway is available along the site frontage on the A271. The nearest bus stops are on A271 at 150m to the east of the site and are not up to current standards. The eastbound bus stop is not marked.

The A271 is a distributor route from the A22 Boship roundabout eastwards to the A2100 near Battle. Pre-pandemic, the section through North Hailsham carried over 10,000 vehicles per day and is used for longer distance travel as one of the limited east-west Aroad routes in East Sussex.

In the vicinity of the site the speed limit is 60mph the national speed limit. The road is a single carriageway- approximately 6.5m wide.

Vehicle crashes

Eight vehicle crashes have been recorded on the A271 in the vicinity of the site in the last five years, (seven of them at or on approach to Boship roundabout). The roundabout suffers a higher number of accidents, than would be expected and ESCC is keen to improve this record.

A planned improvement scheme at the roundabout and other junctions on the A22 (see paragraph on Traffic Impact below) will address safety issues and forms part of the package of Major Road Network highway works.

Accessibility

Some retail (a small co-op, takeaway, pharmacy newsagent etc.) is available in Upper Horsebridge on the A271 approximately a 1.6km to the east. Lower Horsebridge offers two

pubs, a vets and Rugby club. Other local services and the main employment centres are in Hailsham and other surrounding towns.

As local facilities close to the site are limited, residents will need to leave the area, to access retail, employment and leisure facilities. Linking this site via non-car modes to local facilities and other existing/committed non car routes is difficult given distances involved and the severance caused by the Cuckmere River and tributary.

An NMU Audit has not been submitted with the application to detail the current availability and standard of non-car travel routes for residents, The TA does cover distances to a number of facilities and associated walking and cycle times, but what's not included is an assessment of the quality of those routes.

As an example, while Hellingly primary school is 1km away (800m in the TA) and longer or those living to the south or west of the site, the footways connecting the site to the school are narrow and will require children to walk along two classified roads- the A271 (60mph proposed as 30mph) and B2104 (40mph) which is unlit. The route would certainly not be suitable for cycling for children.

There is scope to widen footways given the presence of highway verges, so it is disappointing that the improvements are not proposed.

No footway improvements to the school- or anywhere else, are proposed as part of the development only a footway along the site frontage and pedestrian refuge islands as part of the new access arrangement – a Right Turn Lane. The pedestrian refuges were only added as a result of a recommendation of Road Safety Audit rather than the applicant recognising their importance.

The necessary associated tactile paved dropped crossing points are not shown on plans no: 332110699_5501_SK001 rev P03.

Hailsham Community College, supermarkets and Quintins Medical centre are 3km away. Again, no consideration of the walking routes has been given in the TA.

Cycling

As covered in the TA there are no dedicated cycleways in the vicinity of the site. Local facilities may be within 5, 10 and 15 minute cycle rides, but the routes are not of a standard to enable less confident cyclists and children to use them.

The Cuckoo Trail, a long-distance cycle route links Heathfield and Eastbourne via Hellingly and Hailsham. The site access is over 1km from the Cuckoo Trail accessed via Horsebridge Road. The route continues south 7km to Polegate station. The Cuckoo trail is an important pedestrian/cycle link in the town and its use should be maximised through suitable connections and crossing points.

The footway on the A271 could be widened to accommodate cyclists and pedestrians to allow a more secure route to the Cuckoo Trail.

Hailsham Local Cycling and Walking Infrastructure Plan (LCWIP)

Hailsham LCWIP sets out East Sussex County Councils assessment of the quality of walking and cycling routes in Hailsham and makes recommendations for improvement that ESCC will seek to deliver as part of a commitment to improving active travel in the county. I

consider routes 220, 221 and 310 in the Hailsham LCWIP to be of most relevance for the future residents of this site.

The LCWIP recommends:

Route 220 Cuckmere Close to Battle Road

Upgrades to footways to shared use

Improved access onto and from Cuckoo Trail at signalised crossing

Review of pedestrian access and crossing provision

Review footway widths and upgrades to shared use

Review of on carriageway cycle facilities

Review on street parking, improve access from right turn to petrol station

Review crossings at roundabouts and other junctions and wayfinding to paths

Route 221 A271- Lower Dicker to Park Gate

Provision of consistent footways throughout, and improve to shared use width on to south side of road.

Improved frequency of safe crossing points within residential area

Route 310- Summerheath Road to Upper Horsebridge

Reduction in speeds and consider measures to encourage slower vehicle speeds

Review parking provision

Upgrade footway to shared use, improve visibility at junctions

Review of junction treatments and pedestrian crossing points

Reduce speed limit to 20 mph in narrow section between Grovelands Road and Hempstead Lane roundabout

The applicant refers to the LCWIP in section 2.4 of the TA “Planning Framework” but does not propose to deliver improvements to serve this development.

These routes and recommendations should be considered by the applicant and measures put forward to enable active travel. This is to the benefit of the new residents of the development, and as a way to mitigate the traffic impact of the development through travel behaviour change not capacity works at junctions.

Bus services

In the vicinity of the proposed development there is only an hourly bus service, which runs Monday to Saturday daytime only. This is Stagecoach’s route 54 running between Uckfield, Horsebridge, Hailsham, Polegate and Eastbourne. The East Sussex Bus Service Improvement Plan sets the ambition of increasing the frequency of this service to half-hourly, and to introduce a new hourly evening and Sunday service. Such improvements are required to increase the sustainability of this edge of town site.

Currently the nearest bus stops for the west part of the development are located on the A271 at ‘Pay Gate Cottages’, though the westbound stop is unmarked. The eastbound stop only consists of a bus stop pole and has no raised kerb. Its position is approximately up to 550 metres distant from dwellings in the south-west section of the proposed development layout. A pair of new bus stops is therefore required west of the current location (within 400 metres of all the proposed dwellings), each consisting of a raised kerb, bus stop clearway markings, bus stop pole, shelter (subject to the Parish Council’s agreement) and a real time information sign. A safe road crossing provision would also be needed.

In line with other developments in North Hailsham, I would seek a contribution of £1,100 per dwelling towards improving bus services in the area, including establishing the proposed uplift to route 54.

Rail Services:

The nearest train station is in Polegate with regular services to Eastbourne, London and Gatwick Airport and along the south coast between Brighton and Hastings. Bus service 54 connects to Polegate station. It is important that Polegate station is further served by buses.

In conclusion, I consider that the position of the access – onto the A271 to the north of the site in effect means the development does not “face” Hailsham town or Hellingly/Lower Horsebridge villages which leads to extended walking and cycle distances/times to all the local facilities. No connections are available or achievable to the south to allow better connection to the town mainly due to the Cuckmere River severing the site from the rest of Hailsham. Better connections are needed to reduce vehicle trips and few have been put forward or even suitably assessed as part of the application.

The application does not meet the requirements of a ‘ten- minute town’, as identified in Hailsham’s Neighbourhood Plan, whereby there is an aspiration that key amenities are within a ten-minute walk.

Travel Plan

A Travel Plan Framework has been submitted as part of the application. The document generally follows ESCC and national guidance and includes a number of measures to encourage non car trips.

Travel Plan Co-ordinator

Key to the success of the Travel Plan will be the promotion and visibility of the Travel Plan and appointment of the Travel Plan Co-ordinator (TPC) to manage the Travel Plan from the commencement of development til the successful Travel Plan delivery for at least 5 years. I note the applicant’s commitment to this and the intended tasks for the TPC. Details of the TPC should be forwarded to ESCC on appointment.

It seems that in this case the details of the Travel Plan will be widely available in the marketing suite as new homes are sold, through information packs for new residents (this should include all residents not just first residents), events and site notice boards. The applicant proposes that the TPC will set up a Travel Plan Steering Group.

Measures:

The measures detailed to enable walking, cycling, public transport use and reduce the need to travel are noted but should be expanded. While I expect suitably designed pedestrian routes and cycling parking to be provided within the site, the key to a successful development and Travel Plan to is to connect the site to the wider transport network/ local facilities and remove (perceived) barriers to sustainable mode choice.

Further measures to enable walking, cycling and public transport use and to reduce the need to travel should include (not exhaustive)

- Route planning and way finding signage (including access to Cuckoo Trail)
- Explanation of all benefits of active travel (wellbeing, health, climate change, local air pollution and reduced congestion)
- Establishment of walking buses, walking groups/partners

- Creation of a Bicycle User Group,
- Promotion of events (Walk or Cycle to Work/School Week) Dr Bike sessions.
- Vouchers for bikes, (including electric cycles) scooters and associated equipment (helmets, bike pump etc),
- Supply of high visibility clothing.
- Supply of personal alarms to residents
- Shopping delivery vouchers/coordination

Car club and car sharing – Given that many residents are likely to drive from this site onto the strategic road network, a car club and car sharing could be important measures in the Travel Plan. The applicant has only committed to investigate the possibility of a car club. The use of an existing car share database is welcome. Residents should be incentivised to car share/use a car club through things like prize draws and sharing the (cost) benefits of car sharing. The database should be extended to other residential areas. A number of the other committed north Hailsham development sites have similarly committed to car sharing and car clubs.

Supermarket deliveries- To reduce retail trips, vouchers for supermarket deliveries will be offered to residents. The RTPC could manage such delivery timeslots so fewer trips by delivery vehicles are made.

Working from Home- Since the beginning of the pandemic a greater number of prospective residents will likely be working at home for at least some of their working week. The provision of space within dwellings to do this is imperative along with appropriate broadband connections. “Office space” within dwellings should be considered as part of dwelling layouts.

Targets

The applicant wishes to agree the measures and targets with ESCC once the first (baseline) survey has been undertaken. At this point they have used census travel to work data to estimate mode share as a starting point to determine targets. The Framework Travel Plan acknowledges that there are opportunities to improve the non-car network which is not taken forward in the TA.

The targets can be finalised on completion of the baseline survey, but it would be helpful to have an idea of the applicant’s intention with regard to targets. I would suggest an overall target of a 10% reduction in single occupancy vehicles.

Monitoring

ESCC requires that the Travel Plan is monitored in accordance with SAM from TRICS. The applicant refers to SAM which requires the completion of a base line survey (usually at 25% of occupations or 6 months after first occupation whichever is sooner (in order that residents’ travel habits are not yet established) and follow up surveys 1, 3 and 5 years later. Remedial/further Travel Plan measures may be required if Travel Plan targets are not met. The Travel Plan Framework should be amended in light of the comments above.

ESCC will require an Audit fee of £6000 to cover the cost of auditing the Travel Plan process from a Highway Authority perspective from completion of the full TP documents to a time after the year 5 monitoring and implementation of remedial Travel Plan measures (should they be needed).

Proposed vehicle access arrangements

The applicant proposes a Right Turn Lane access into the site from the A271. The highway alterations would commence almost immediately on exit from the Boship roundabout. The applicant also proposes an amendment to the speed limit – ie extending the existing 30mph to the west of the site eastwards up to the Boship roundabout to tie in with the proposed 30mph at Boship (as included in ESCC's scheme, see below)

I do not object to the principle of a Right Turn Lane access nor the 30mph extension as shown on plan 332110699_5501_SK001 rev P03 which will go some way to make the route more attractive to pedestrians (and possibly cyclists).

The access has been designed to DMRB standards and will achieve visibility splays of 2.4m by 90m in both directions commensurate with the proposed 30mph speed limit. Traffic counts have been undertaken on the A271 recording volumes and speed. The 85th percentile vehicle speeds are recorded as 36mph westbound and 33mph eastbound. From an ESCC perspective these traffic speeds would allow for the implementation of an extended 30mph speed limit.

It should be noted that the implementation of a 30mph limit will require a Traffic Regulation Order separate to the planning process. The applicant will be expected to cover ESCC costs for undertaking the legal process. A fee of £5000 will be required. The TRO will be subject to consultation with emergency services and the public and is therefore open to objections.

A stage 1 Road Safety Audit has been undertaken on the access proposal, (although not included within the submitted documents WDC website). Three problems were identified. The applicant has accepted the Auditor's recommendations and updated the plan accordingly. I have no concerns relating to the access design as a result of the RSA.

Tracking drawings have been submitted (again not included within the submitted documents WDC website) showing how a refuse vehicle and fire appliance would access the site. The junction will be able to accommodate these vehicles, but I note the refuse vehicle is not the correct size. WDC use 12m long refuse vehicles. The plans should be amended.

Traffic impact

Trip rates

As part of pre-application discussions with the applicant the trip rates for the residential development were agreed based on an agreed selection of TRICS sites and ESCC modelling in this area for other studies.

The subsequent trip generations for this development of 124 dwellings are:

Table 4.3: Peak Hour Person and Vehicle Trip Generation

	AM Peak			PM Peak		
	Arr.	Dep.	Total	Arr.	Dep.	Total
<i>Total Person Trip Generation</i>						
Proposed Trip Rate	0.173	0.754	0.927	0.614	0.311	0.925
Trip Generation	21	93	115	76	39	115
<i>Total Vehicle Trip Generation</i>						
Proposed Trip Rate	0.105	0.345	0.450	0.323	0.148	0.471
Trip Generation	13	43	56	40	18	58

Modelling

The applicant has undertaken modelling of local junctions based on 150 dwellings justified as a robust approach. While I will accept this (it is the scale of development envisaged at Pre-app stage) this does not follow current guidance for assessment of traffic impacts on the capacity of junctions.

The TA demonstrates that the new Right Turn Lane access will operate satisfactorily without detriment to the traffic flow on the A271.

The modelling of the other local junctions on the A271 westwards does not cause me concern in terms the impact of this development on junction capacity. While the junctions may operate above capacity in 2030 and with development traffic added the actual increase attributable to this development is low and ESCC planned improvements to the MRN will go some way to re-route traffic in the area. As stated above I feel it would be better to mitigate the impact of this development through improved pedestrian, cycle and bus links.

Boship roundabout

As stated above and in the Transport Assessment, it is ESCC's intention to complete upgrading works at Boship roundabout. The scheme will include the signalisation of the roundabout and the implementation of a 30mph speed limit on the A271 approach. The scheme will reduce the risk of conflict and improve capacity by allowing more controlled movement around the junction and managing traffic flow.

The roundabout improvement is part of a package of improvements proposed by ESCC for the A22 corridor. ESCC intends to deliver six junction improvements on the A22 from Boship roundabout south to the A22/Dittons Road roundabout junction. The current designs have been subject to public consultation and have generally received positive feedback. ESCC awaits acceptance of the business case for these improvements from DfT and confirmation from government on our bid for Major Route Network (MRN) funding. A decision is expected in May.

The applicant is aware of the planned improvements to Boship roundabout and other parts of the MRN. Modelling of the Boship roundabout was undertaken but not completed as part of the pre-application discussions between the applicant and the Highway Authority. It is regrettable that the modelling process was not completed before submission of the application. I note that further information is likely to be submitted. I will comment on that in due course. As it stands the impacts on Boship roundabout have not been suitably assessed and/or mitigated.

CIL Funding for Major Road Network interventions

WDC officers have previously agreed, that Community Infrastructure Levy (CIL) funds would be released to complement Major Route Network (MRN) funding from government to deliver the package of works identified to support housing delivery. I trust that a consistent approach will be taken by WDC and that CIL monies attributable to this development would be available to add to MRN funds to deliver the works.

Please also note however that given this site is not allocated it may be more appropriate to secure a specific contribution towards the MRN schemes.

Internal Layout

As an outline application, the layout of the site is not being considered as part of this application. Should outline planning consent be granted then ESCC would require any Reserved Matters application to demonstrate that the development layout is designed in accordance with the principals of the Manual for Streets to ensure a permeable development that meets the needs of pedestrians, cyclists, service vehicles and cars- in that order.

The applicant should note my comments in relation to pedestrian cycling and bus connections when designing the internal site layout. Non car routes should be as direct as possible, ie take less time than driving.

Any design submitted will also need to be subject to independent safety audit procedures. Suitable access throughout the site for emergency and refuse vehicles should be demonstrated.

Parking

While this is an outline application with all matters reserved except access, I wish to confirm that cycle and car parking will be required in accordance with the East Sussex County Council Parking Standards, should this development be approved.

Cycle Parking

Safe, secure and covered cycle parking facilities need to be provided at new developments and are equally important as car parking, as cycling has the potential to replace shorter car journeys. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are one space per unit for one and two-bedroom dwellings and two spaces per dwelling with three bedrooms or more. Ideally sufficient space for family cycles should be provided. Providing additional cycle parking will form a Travel Plan measure.

All spaces should be easily and conveniently and independently accessible. Driveways may have to be widened and rear footpaths provided to allow access to cycle parking in rear gardens, for example.

Vehicle Parking

The level of vehicle parking required will need to be in accordance with results obtained from the ESCC Parking Calculator which is based on local car ownership levels and includes an allowance for visitor parking. As the number of spaces is based on the size and numbers of properties proposed an indicative figure cannot be provided as the proposed breakdown is not known.

Parking spaces would need to meet the required minimum dimensions to be counted towards the overall provision. The minimum sizes are as follows:

Parking Spaces: 2.5m x 5m

Car Ports: 2.8m x 5m

Garages: 3m x 6m or 3m x 7m if cycle storage is included.

It should be noted that garages only count towards 1/3 of a parking spaces regardless of size.

Electric Vehicle Charging Points

I will also expect to see provision of Electric Vehicle charging points. Each dwelling should be provided with a facility to enable use of electric vehicles. Details of the applicant's intention with regard to managing EV spaces should be included in any reserved matters application.

Construction Traffic

Should consent be granted then careful consideration would need to be given to how the site can be built in a safe manner minimising highway disruption as much as possible. I will require Construction Traffic Management Plan. A robust plan is particularly important in this location given the direct access onto the A271.

Conclusion

I object to this application for the following reason:

It has not been demonstrated that, the site is suitably accessible by non-car modes, and the impacts of the development at Boship roundabout have not been suitably assessed and mitigated. The development would therefore be contrary to para 111 and 112 of the National Planning Policy Framework.

While I object to this development as submitted should planning permission be granted, I require that the following obligations and conditions form part of any consent. The obligations and conditions set out here are not exhaustive, subject to further submissions by the applicant.

s106 obligations

- £1100 per dwelling for bus services serving the site
- £12,000 per RTPI sign (4 bus stops)
- £500 per bus stop clearway (4 bus stops)
- TRO fee of £5000 for the implementation of the extended 30mph on the A271
- Travel Plan and Travel Plan Audit fee of £6000

Conditions

- 1 No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing no 332110699_5501_SK001 rev P03 as amended as part of the s278 agreement and detailed design.

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

- 2 The access shall not be used until visibility splays of 2.4m by 90m to the east and 210m to the west of the proposed access are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
- 3 The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
- 4 Parking spaces shall measure at least 2.5m by 5m (with an extra added an extra 50cm where spaces abut walls/fences hedges).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
- 5 The development shall not be occupied until cycle parking areas have been provided in accordance with approved plans and details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development
- 6 The development shall not be occupied until turning spaces for vehicles likely to visit the site have been provided and constructed in accordance with the plans/details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
- 7 Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.
Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding
- 8 Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed roads, and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority with a view to their subsequent adoption as a publicly maintained highway

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

- 9 The new estate roads shall be designed and constructed to the Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
Reason: In the interest of highway safety and for this benefit and convenience of the public at large

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

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

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

Informatives

This Authority's requirements associated with this development proposal will need to be secured through Section 106 and Section 278 Legal Agreements between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.

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

The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to

book road space with the East Sussex Highways Network Co-ordination team (0845 6080193)

Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development, the applicant should contact East Sussex County Council' Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.

Environment Agency

Summary: One response (received 14.02.2023)

RECOMMENDS CONDITION

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

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

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

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

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

Reason

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

The proposal includes areas of structural landscaping and biodiversity enhancements within Flood Zones 2 & 3 (paragraphs 5.2.5 & 8.1.4 of the FRA). We advise against any raising of the existing ground levels within the floodplain. Any landscaping within the floodplain that requires amending the current levels and/or any works within 8 meters of the main river will require a Flood Risk Activity Permit.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- **on or within 8 metres of a main river (16 metres if tidal)**
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- **in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission**

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

ESCC Flood Risk Management

Summary: One response (received 01.03.2023)

NO OBJECTION SUBJECT TO CONDITIONS

The information provided is satisfactory and enables the PCWLMB and 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:

The proposed development site is located near Lower Horsebridge Stream, a tributary of the River Cuckmere, which is a designated main river at this location. Updated hydraulic modelling of the watercourse has been carried out and demonstrates that the proposed development will be located outside of the 1 in 100-year plus climate change flood extents. This includes the proposed attenuation ponds which will provide storage of additional surface water runoff volumes arising from the development.

British Geological Survey data that we hold indicates that groundwater levels beneath the site may be less than 3m below ground level beneath the site. We therefore request that groundwater monitoring is carried out between November and April, when groundwater levels are at their highest, to understand groundwater levels beneath the site and determine whether mitigation measures are required to avoid ingress of groundwater into the ponds and loss of attenuation volumes.

It is likely that the outfalls from the drainage system will be blocked during a flood event which could prevent runoff discharging into the watercourse. We request that the proposed drainage system is modelled with a locked outfall at the detailed design stage to understand whether sufficient storage has been provided to account for such an occurrence.

The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.

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. 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:
 - a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to QBAR greenfield runoff rates for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
 - b. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
 - c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - d. The detailed design of the attenuation ponds shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
2. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

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

3. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
4. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Southern Water

Summary: One response (received 08.03.2023)

RECOMMENDS CONDITIONS

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

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

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

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

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

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

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Sussex Police

Summary: One response (received 15.02.2023)

NO OBJECTION SUBJECT TO OBSERVATIONS AND RECOMMENDATIONS BELOW

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

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

The site is next to the Boship Roundabout with access being proposed off the A22 adjacent to Brook House.

The design and layout show a street network involving a single main access route, with a series of short cul- de-sac side roads (with appropriate turning space for emergency services and waste collection vehicles).

This essentially creates six smaller residential parcels within the site. Additionally, a network of paths (footpaths and potentially a cycle path) is being proposed the open space area. along with a play area.

Dwellings in the main face out onto the street layout creating good active frontage and good levels of natural surveillance. Back-to-back gardens have removed the need for vulnerable rear garden pathways. Parking has been provided within garage, on-curtilage, overlooked and parking courts. I see no evidence of visitor or on-street parking. Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.

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.

Where gates are being provided to access the rear gardens, they must be placed at the entrance to the garden as near to the front building line as possible to remove any recess for loitering. This will ensure that attempts to climb them will be in full view of the street. They are to be the same height as the adjoining fence so as not to reduce the overall security of the dwelling's boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being

locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. Care should be taken by the developer to ensure that a lone dwelling will not be adversely affected by the location of the amenity / play space, and it should be noted that positioning an amenity/ play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined with open spaces having features which prevent unauthorised vehicular access Para 9 SBD Homes 2019.

In order to ensure that there is as much natural surveillance across the development as possible, ground planting should be no higher than one metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

Due to the proposal for the introduction of a network of paths (footpaths and potentially a cycle path) being provided through the open space area. I would like to point out that when introducing public footpaths into developments, caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed.

Chapter 8.3 of SBD Homes 2019 V2 states; *Whilst it is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.*

Chapter 8.10 Footpath Design. SBD have identified that public footpaths should not run to the rear of rear gardens as this have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible • wide • well lit (within BS 5489-1:2020) • devoid of potential hiding places • overlooked by surrounding buildings and activities • well maintained so as to enable natural surveillance along the path and its borders.

SBD Homes 2019 V2 chapter 8.12 *Where isolated footpaths are unavoidable, and where space permits, they should be at least three metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles, and mobility vehicles). Where footpaths are designated as an emergency access route, they must be*

wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

With regard to the blocks of multiple dwellings. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. BD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2019 V2 chapter 27, respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development. For multiple blocks of multiple dwellings serving ten dwellings or more please see chapter 27.14. More robust construction.

With respects to mail delivery for blocks of multiple dwellings. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommended / permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Homes 2019 V2 chapter 32. I recommend the postal arrangements for the flats is through the wall or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Blocks of multiple dwelling that consist of over twenty-five flats, apartments, bedsits, or bedrooms, can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits, or bedrooms, and to reduce the opportunity for antisocial behaviour, BD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system (compartmentalisation) by restricting access to all areas and floors of the building to all residents. The application of such is a matter for the specifier, but may be achieved by either using a combination of the following:

1. Lift and stairwell access controlled separately.
2. Lift and stairwell access jointly controlled via an additional secure door-set.

Further details can be obtained within para 27.29 SBD Home 2019 V2.

Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements.

Where cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 21.9 & 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling. BD offers specific specification advice to shed construction and cycle containers in order to provide an adequate and fit for purpose secure environment for the cycles.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

I recommend that the dwelling's exterior lighting is switched by dusk till dawn lighting as opposed to passive infrared (PIR). Secured by Design has not specified PI activated security lighting for a number of years following advice from the Institute Lighting professionals (ILP) and police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. For blocks of multiple dwellings, I recommend that the main entrance lobbies are lit with dusk till dawn switched lighting with the stairwells having PIR operated lighting.

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 certain 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.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

East Sussex Fire & Rescue Service

Summary: One response (received 21.02.2023)

COMMENT

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

ESCC Archaeology

Summary: One response (received 02.03.2023)

NO OBJECTION SUBJECT TO CONDITIONS

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

If the Local Planning Authority is minded to grant planning permission, then we ask that the following condition be 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:

The proposed development is of archaeological interest due to its location within a landscape with evidence of past human activity from the prehistoric period onwards. Scatters of Mesolithic and/or Neolithic struck flint in the vicinity of the site attest to at least transient activity of this date in the locale of the site, most likely representative of seasonal activity by mobile communities exploiting the resources of the High Weald. Rather better evidence for Late Iron Age/Early Roman and medieval activity has been forthcoming from archaeological excavations to the south-east of the site in the form of a number of ditches, pits and postholes generally considered to be consistent with agricultural activity but indicative of nearby settlement.

A desk-based heritage assessment submitted as part of this application (Terence O'Rourke report ref 231703C) has considered the archaeological evidence in the vicinity of the site in some detail, although we do not necessarily concur with some of its conclusions.

Specifically, we do not agree with the thesis that the site has low to negligible potential for remains of prehistoric and Roman date to be present. The site's topographic position, overlooking a stream which runs to the south-east, may well have proved attractive to Mesolithic and/or Neolithic communities operating in the area, and there is clear evidence for Iron Age/Early Roman field systems to the south-east of the site, with suggestion of nearby settlement, the location of which remains to be determined.

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

NatureSpace Newt Officer

Summary: One response (received 23.02.2023)

NO OBJECTION SUBJECT TO COMPLIANCE CONDITION

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 is indirect connectivity between the development and surrounding features in the landscape.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

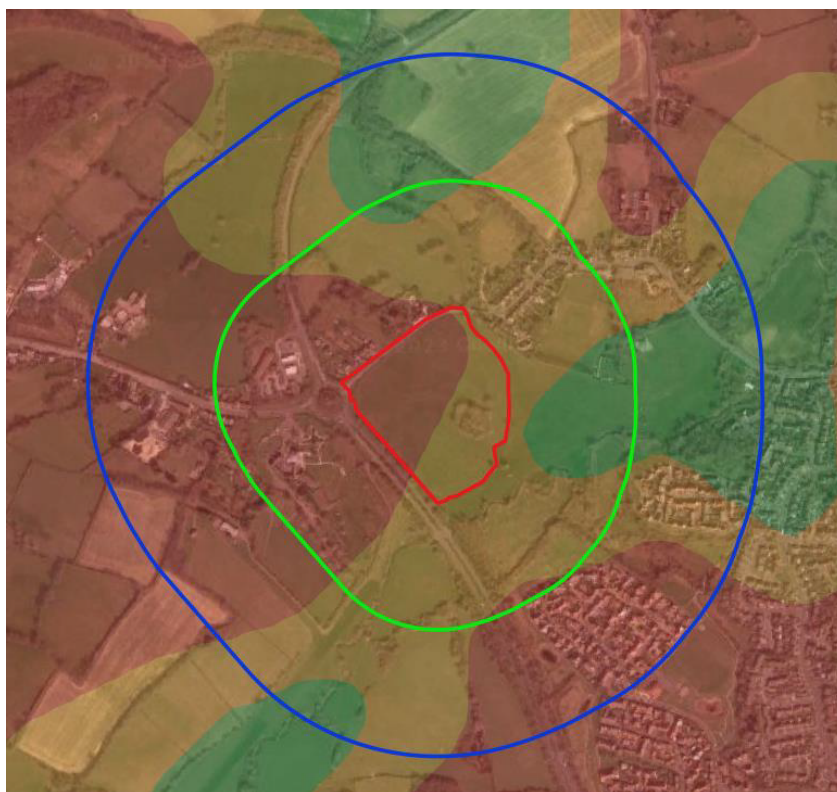
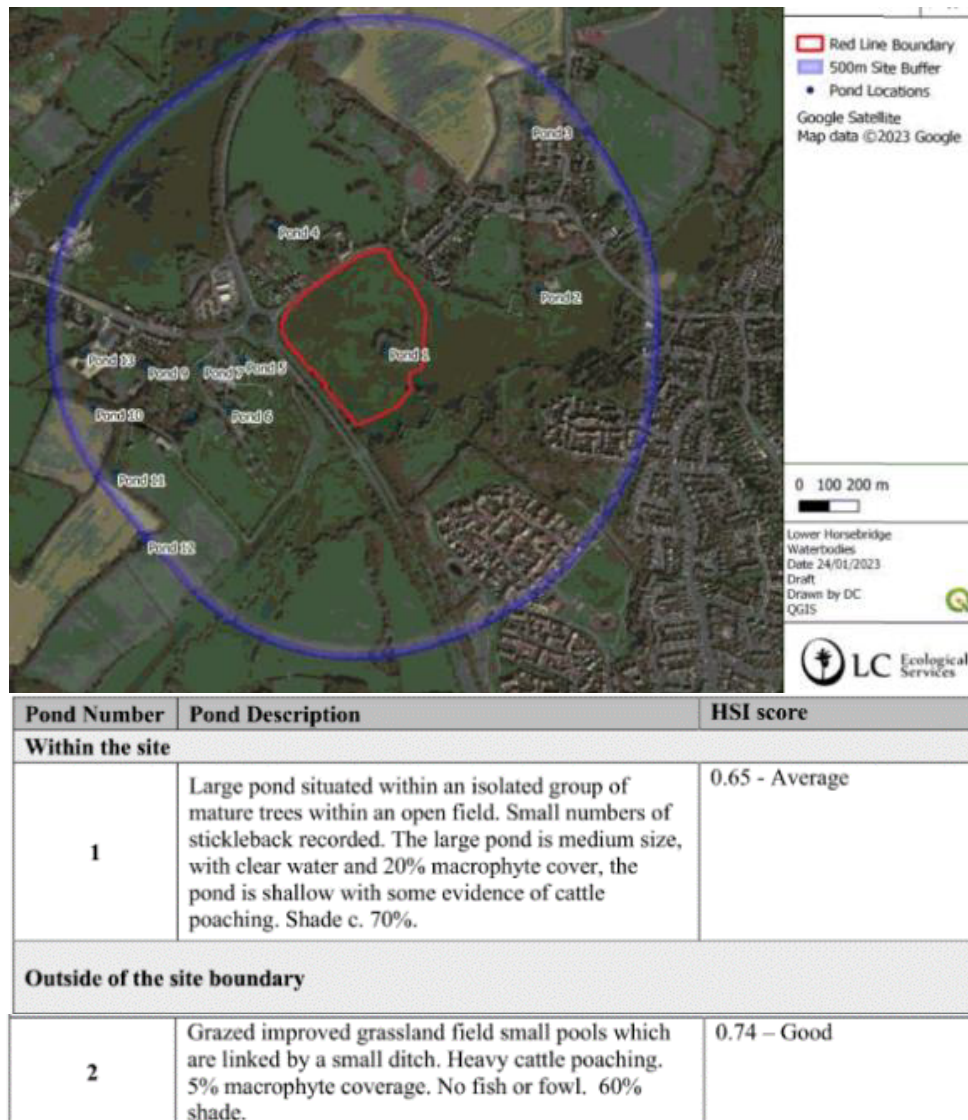


Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government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

Ecological Report

The applicant has provided an ecological report (Ecological Impact Assessment, LC Ecological Services, January 2023). Within this report it states that:

- o "No evidence was recorded, and the habitat is considered to be sub-optimal and isolated from known populations. This species has not been considered further."
- o "A single pond was recorded on site which could provide suitable aquatic habitat for great crested newts. In addition to these areas of the site which are un-grazed would provide suitable terrestrial habitat for great crested newts, with the hedgerow forming good hibernation habitat. The A271 and A22 dual carriageway separates the site from habitats to the north and west and the Cuckmere River separates the site from the new development to the south."
- o "A Habitat Suitability Index (HSI) assessment was undertaken to determine the suitability of the pond within 500 metres of the site to support great crested newts."
- o "HSI assessment was conducted on the fourteen waterbodies within 500 metres where access was available."
- o "The eDNA surveys were undertaken on ponds 1, 2, 3, 4, 5, 6, 7, 11 and 13. Access was not granted to survey ponds 8, 9, 10 or 12. The majority of the results returned a negative result with a positive result being recorded in pond 13. Pond 13 is located approximately 390 metres west of the site..."



Although no great crested newt mitigation was specifically outlined in the EclA, relevant reptile mitigation was outlined:

- o "The encourage reptiles on the site to move away from the works area naturally the habitat within the works are will be made unsuitable by the continued grazing of the site up until construction works commence.
- o Materials and any arisings, will be kept off the ground through the use of skips or pallets. This will negate the risk of reptiles sheltering within stock piled materials or arising from site clearance.
- o The removal of the hedgerow will be carried out during the reptile active season March – September, inclusive and when temperatures are above 10°C."

Conclusion

We are satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. This is due to the fact surrounding ponds and habitats have been surveyed and considered and reasonable avoidance measure have been proposed - although specifically for reptiles, these are considered acceptable for great crested newts.

We are satisfied with the ecological survey but recommend that a compliance condition, similar to the one below, is used to secure the measures and recommendations as outlined in the ecological report.

Compliance Condition

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

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

The applicant is reminded that if at any point during construction works, signs of great crested newts are identified, then the following instructions must be strictly adhered to:

- Stop all works immediately and leave the area
- Inform an ecologist immediately who will provide further guidance / instructions
- Do not try to handle or rescue a GCN
- Do not resume constructions works until advised it is safe to do so by an ecologist

More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com

Parish Council

Summary: One response (received 28.02.2023)

OBJECTION

The Planning & Environment Committee STRONGLY OBJECT to this application on the following grounds:

Hellingly Parish Council Strongly Object to this application. The Council agrees with the comments submitted by Mr John Horwood on behalf of CPRE dated 19 Feb 2023.

The application conflicts with several policies, recommendations and statements within the Hellingly Neighbourhood Development Plan. including those on Flooding, Biodiversity Protection, and Protection of the rural Character of the area.

The Hellingly Neighbourhood Development Plan states:

Parts of the Parish surrounding the Cuckmere and Bull rivers that run through the parish are particularly susceptible to both fluvial and surface water flooding. Both the Bull rivers are flash rivers that are prone to significant and rapid rises in water levels following periods of heavy and prolonged rain. Both rivers are affected by tidal block when there is high tide at the coast.

The NPPF confirms that "inappropriate development in areas at risk of flooding should be avoided by directing development away from high risk".

The Hellingly Development Plan also states, Flood risks assessments for Hellingly should also take particular account of local records, including those of surface water flooding and the flooding of agricultural land which have historically not been covered on the official records of East Sussex County Council as the responsible body in respect of flood risk. There is strong local evidence including photographs of recent flooding that show that the proposed SUDS attenuation ponds are within the area that floods so they will fail to provide any protection at exactly the times when it is most needed.

This application is therefore in conflict with Policy HNBP3 of the Hellingly Neighbourhood Development Plan.

Biodiversity Protection - A significant part of the application site lies within the River Cuckmere Habitat link defined in the Neighbourhood Plan.

Policy HNBP4 -states that Green and Blue Infrastructure assets will be protected and enhanced by ensuring all development proposals within the areas identified:

- ii) Maintain and enhance the integrity of the green and blue infrastructure
- iii) On or immediately adjacent to green or blue infrastructure assets clearly demonstrate ... that proposals will not harm the integrity or function of that feature and the benefits it provides
- iv) Clearly demonstrate how the overall function and integrity of the green or blue infrastructure will be enhanced to provide net gains. Proposals for major developments should include a management plan to ensure the effective long-term implementation and management of those green and or blue infrastructure assets.

This application is therefore in conflict with Policy HNBP4 of the Hellingly Neighbourhood Development Plan.

The Hellingly Neighbourhood Development Plan states that the plan evolved with two simple but widely supported aims;

- a) To protect the rural character of the area.
- b) To retain the separate character of the four main settlements in the Parish (Hellingly village, Lower Horsebridge, Lower Dicker and Roebuck Park.

This application by filling in the space between Lower Horsebridge and Lower Dicker is in direct conflict with the aims of the adopted Neighbourhood Plan.

Policy LHB1 of the Neighbourhood Plan states, Where the principle of new development within Lower Horsebridge Character area is considered appropriate proposals will be required where appropriate to clearly demonstrate...

- iv) That there is no erosion of the sense of openness and rural character of the existing setting of the settlement.

This application, by filling in the gap between the existing settlement and the Main A22 trunk road, is clearly in conflict with policy LHB1.

Notwithstanding the conflict with the statements and policies of the Hellingly Neighbourhood Development Plan, we also strongly object to the siting of houses close to the A22 on the grounds of pollution, due to both air quality and noise. We consider the proposed access from the A271 to be unsatisfactory and potentially unsafe. Traffic queuing for the Boship roundabout regularly extends beyond this proposed access and cars from 148 houses would make the problem much worse.

The proposed access is also close to a bend in the A271 restricting drivers' view; accidents have occurred on this section of the A271 and the junction would increase the likelihood of such accidents.

Response to Parish Council: Not required.

Other third party responses (including local residents)

Notifications of OBJECTION received from 76 households and CPRE.

Issues raised include the following:

Principle/Infrastructure

- Greenfield site outside any development area – no special planning reason for siting housing in this location.

- Site previously considered unsuitable for development under the Call for Sites/SHELAA process.
- Pre-application advice in 2020 was negative.
- Application should not be considered until local plan policies have been updated to reflect revised government targets.
- Application needs to be considered alongside proposals to relocate the cattle market and construct a new leisure complex.
- Development would fill the gap between Lower Dicker and Lower Horsebridge – this is contrary to the Hellingly Neighbourhood Plan which seeks to maintain the separate character and identity of the settlements.
- Development would be physically divorced from the established village by flood plain and therefore relate poorly to it.
- Large numbers of new homes already built/permitted in Hailsham, Hellingly and surrounding area – enough new housing has been provided/approved.
- Lack of associated infrastructure: no additional doctors surgery, schools, youth provision, community centre or reservoir proposed. GPs, dentists and schools already oversubscribed.
- Increased pressure on support services.
- Land is floodplain.
- Loss of countryside/green space.
- Other brownfield sites more suited to development in the area with vacant buildings that should be considered for housing and commercial retail use instead of new greenfield sites.
- Another supermarket not needed – Hailsham has a number of supermarkets already and there is a discount supermarket a short drive away in Polegate.
- Limited access to local amenities by foot. Site is not served by useful public transport. Development would increase car dependence.
- Too close to mobile phone mast.
- Overhead electricity power lines cross the site.
- Gas main needs replacing.
- Restrictive covenants on the land.

Highways

- Existing road infrastructure is at capacity and not capable of accommodating further traffic.
- Lower Horsebridge/A22 intersection at Boship Roundabout already heavily congested at peak times – proposed site access would increase tailbacks and lead to drivers cutting through surrounding minor roads to avoid the junction.
- Development would prevent highway improvements to roundabout.
- The Hailsham one-way system (sending all the traffic down South Road) cannot cope with more traffic to get to the town centre, where all the shops are.
- New access point would be dangerous – located on busiest part of road and on a bend.
- Insufficient road width to accommodate three lanes of traffic at site entrance.
- Road island would prevent safe access/egress to/from Brook House opposite. Increased risks to access/egress to/from Misty Acres opposite.
- Previous applications for new build development on this stretch of road have been refused due to visibility issues/dangers of joining traffic joining the A271 and potential traffic accidents. Car use has since increased and the road has not changed in width of speed limit.
- Footpath adjacent to A271 is already undersized and unusable without risk of a dangerous accident

- No safe pedestrian crossing point to reach local school. Increased risk of accidents.
- No safe, legible routes for cyclists.
- Speed limit not adhered to and needs to be lowered.
- No lighting at night.
- Roads are in poor repair – regularly damaged by floodwater and volume of traffic. Construction of additional houses would exacerbate this.
- Insufficient parking provision.
- Amended plans impact on access for Brook House

Drainage/Flooding

- Site floods regularly and extensively. Proposal does not adequately deal with flooding issues – FRA is incorrect.
- Water system in the area has already been directly affected by extensive building upstream in Horsebridge and Hellingly.
- This development will further increase risk of flooding to surrounding properties and infrastructure. Raising the land will divert water elsewhere.
- SUDS attenuation ponds would be located in Flood Zones 2 and 3. These will not function and will push floodwater downstream. Drainage basins are development as defined by Section 55 of the Town and Country Planning Act and therefore subject to the sequential test.
- Play area and land suggested to meet open space requirements are located in flood Zones 2 and 3 – these would be unusable for parts of the year due to flooding.
- Sewers already at capacity – area suffers with hydraulic overloads.
- No details on how connection to existing foul water system would be achieved.

Economic

- Increased traffic will be detrimental to surrounding businesses as workers will not want to commute with such bad traffic.
- A food store on the site would have a harmful effect on Hailsham town centre.

Environmental

- Site is visually prominent and provides important visual break between settlements.
- Development would erode sense of openness. Loss of open views from public footpath.
- Loss of local/rural landscape character. Loss of village setting/environment.
- Loss of farmland – field is used to graze cattle in better months. Council should be supporting local food production.
- Impact on biodiversity. Site supports varied wildlife. Ecological report identifies protected species on the site. Nocturnal birds of prey also use site.
- The Cuckmere River floodplain is one of the best nature corridors within the District – WDC should be protecting this green corridor/habitat link.
- Increased light pollution – impact on dark skies.
- Noise pollution from increased traffic. This would be exacerbated by tunnel effect created by three-storey buildings on raised ground.
- Noise impact arising from ASHP. Adequacy of noise surveys
- Decline in air quality from vehicle emissions.
- Pollution of river and drinking water.
- Loss of trees and ancient hedgerow.
- Increased ground vibrations from heavy vehicles will impact stability of buildings.
- High density, cramped form of development, with a hard edge to the A271 and A22 frontages – out of character with surrounding built form and housing mix. Three storey development overbearing and contrary to Neighbourhood Plan.

Social

- Lack of affordable housing. Housing type does not address local need.
- Affordable housing not wanted in every development. Housing types must reflect the area and people's wishes; not what government or the local authority dictate.
- Increased antisocial behaviour.
- No buffer zone shown between houses and road – traffic noise will be disturbing for new residents. Open windows will be impossible – consigning residents to mechanical ventilation is unacceptable.
- Insufficient amenity space for new residents. Lack of communal garden areas for flats is at odds with the adopted Wealden Design Guide SPG.
- New dense tree planting risks shading windows of proposed flats.
- Three-storey buildings would affect Rights to Light and lead to loss of outlook and privacy for existing residents.
- The development would be isolating and marooned from the local community.

Heritage

- WW2 pillbox is a visible reminder of what this area went through for its freedoms. Covering this from view is covering the history of the area.
- Site has historical association with the Boship Farm farmstead – goes to the broader consideration of setting.
- Heritage assessment states that the development would have a harmful effect on the Grade II listed Brook House opposite the site – tilted balance is reset (NPPF para. 11d).
- Dense built form with hard frontages along the A271 at odds with prevailing character – lack of sensitivity to heritage setting of Boship Farm and Brook House, compounded by rear garden enclosures close to frontage.
- Brook House has a deep cellar system and two deep wells as part of its structure – any construction work/alteration of the surrounding ground has the potential to affect the structure and future flooding of Brook House.

Application

- The application documents contain at least three different plans for the site – one with just housing, one with a food store and housing, and one with housing in two areas. It is not clear that all of the reports and documents within the application have been prepared in line with the latest proposals.
- Ecology study/report contains errors and omissions. Ecology reports do not cover the entirety of the site boundary. Winter bird survey substandard. Further survey work is required.
- Assessment needed of how acoustic wall will affect existing residents through deflecting traffic noise.
- No consideration of loss of daylight/sunlight to existing residents.
- Further assessment of structural/drainage impacts to Brook House required.
- Insufficient consultation time.

Other Consultation Responses

WDC Housing

Summary: One response (received 09.02.2023)

COMMENT

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

The National Planning Policy Framework 2021 requires that affordable housing is sought on major development sites. For sites outside the AONB, this is defined as sites where 10 or more units will be provided or where the site has an area of 0.5 hectares or more. As the proposed development is for up to 124 units, an affordable housing contribution is required. Policy AFH1 of the Affordable Housing Local Delivery Plan 2016 requires a 35% affordable housing contribution. This would require that 43 affordable homes are to be provided on site.

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

25 % of 43 affordable homes = 11 First Homes
40% of 43 affordable homes = 17 Social Rented
23% of 43 affordable homes = 10 Affordable Rented
12% of 43 affordable homes = 5 Shared Ownership

The proposed mix of units across the site has not been provided at this stage but would need to address the housing need across the district. An up-to-date breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants' require is set out below.

This is indicative of the overwhelming need for smaller properties although there is still a need for larger family homes. We would recommend for affordability purposes that 1 and 2 bed units are designated as First Homes properties and that the rented units include a mix of smaller homes as well as larger 3 and 4 bed family sized accommodation.

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

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

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

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

Other design requirements of Affordable Housing- Guidance:

- Security - The affordable housing should meet Part Q Building Regulations and observe Secure by Design principles as recommended by the Police Architectural Liaison Officer. Doors and windows to be certified to PAS 24 standards.
- Sustainability - Comply with Part L Building Regulations.
- Sizes - The affordable homes should meet or exceed the minimum sizes as required by the Nationally Described Space Standards based on:
 - 1 Bedroom (2 person) units @ 50m²
 - 2 Bedroom (4 person) houses @ 79 m²
 - 3 Bedroom (5 person) houses @ 93 m²
 - 4 bedroom (7 person) houses @ 115 m²
- Meet any Design and Quality Standards that may be required by Homes England or the Registered Provider.
- All affordable homes should meet current local and National Standards/ Part M Building Regulations with preference for M4(2) standards.

Other requirements for the affordable housing are that:

- Private outdoor amenity space must be provided in the form of gardens for houses and balconies/terraces or landscaped communal areas for flats with facilities for households to dry washing outside.
- Open plan kitchen/lounge layout is only acceptable for one bedroom homes.
- The affordable housing units should be owned and managed by a Registered Provider who is approved by the Council, and has entered into a nomination agreement with the Council.
- The developer/landowner should dispose of the affordable units to the Housing Association either on a freehold basis or on a long lease of at least 125 years.

WDC Drainage

Summary: One response (received 28.02.2023)

RECOMMENDS CONDITION

Flood Risk

The site lies within EA Flood Zones 1, 2 and 3. However the built form, including the attenuation features is confined to Flood Zone 1. On that basis and provided the layout is not subsequently altered, the sequential test is met and the exception test is not required for this site. The Environment Agency have commented at length in their consultation response dated 14 February 2023 about the elements of the site in Flood Zones 2 and 3 and their requirements and suggested Condition should have primacy here.

The portion of the site in Flood Zone 1 does not appear to be at risk from tidal, sea, surface water or fluvial flooding or from failure of a drainage asset such as a canal or reservoir. The area in Flood Zones 2 and 3 is obviously at risk of fluvial and surface water flooding. There is no site-specific information on groundwater.

There are no ponds or ordinary watercourses shown on the EA mapping within the site. There is a main river, the Horsebridge Stream, forming a tributary of the Cuckmere River

running along the eastern and southern boundaries of the application site. There are ponds shown in the vicinity of the site.

There are records of flooding close to this location to the properties to the north of the A271 opposite the site within this Council's land drainage database.

The Geological Map states that the site is on the Weald Clay Formation of mudstones overtopped with superficial layers of River Terrace Deposits of sand and gravel covering the eastern and southern parts of the site and Alluvial Deposits of clay, silt, sand and gravel adjacent to the main river.

Surface Water Drainage

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

Infiltration is the first recommended drainage method in the SUDS hierarchy but the underlying mapped geology of the site and the presence of main rivers and ponds on the surface nearby suggests that this may not be a usable solution for this site. No infiltration testing has been carried out and the applicants have rightly rejected this method.

The site is divided into two catchments. The proposed solution in each is a conventional piped drainage system taking roof and road water and conveying it to an attenuation pond which then discharges into the main river via control devices. Based on experience elsewhere in the Hailsham/Hellingly area, I would suggest lining the ponds against possible groundwater. An open ditch discharging into the main river would allow the system to function at higher river levels when a conventional pipe outlet in a headwall might be underwater.

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

It is suggested that maintenance responsibilities for the surface water drainage system will be by a management company. The full maintenance plan will be required when the drainage design is finalised and before first occupation.

Notes

Any new outfall or outfalls to an ordinary watercourse will require additional Consenting from the Environment Agency, over and above any planning permission which may be granted.

For information, please note that the development may increase the rate and/or volume of water being discharged into the Pevensey Levels Internal Drainage District (compared to the status quo), and so an application may need to be made to the Pevensey & Cuckmere Water Level Management Board seeking consent under the terms of its Byelaws. If it is considered that a proposed increase in flows can be safely and adequately dealt with by the receiving waterbody and wider drainage network, then consent may be issued (although consent is not guaranteed to be given). Any permission granted by the Board would be subject to conditions, usually including entry into a legal agreement and the payment of a

Surface Water Development Contribution to the Board. Details and further information can be found at https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf. Further details regarding the Board's application procedure and associated payments which may become due are also available on this website.

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. If you are minded to allow planning permission, I would wish to see the following Condition applied namely:-

"No development shall take place until full details of the surface water drainage scheme, have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. The submitted details shall include the following:

- i. Supply detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features.
- ii. The attenuation ponds must be sited within Flood Zone 1 allowing for future climate change.
- iii. Provide a full management and maintenance plan for the development, which shall include the setting up of any necessary company to secure the operation of the scheme throughout its lifetime.
- iv. Supply full hydraulic calculations to the correct level of climate change to the satisfaction of the Lead Local Flood Authority.
- v. Provide evidence that the receiving main river is in sufficient condition to receive the calculated flows.

NOTE: Attention should be given to non-statutory technical standards for sustainable drainage systems, the ESCC "Guide to Sustainable Drainage Systems in East Sussex" and the total costs of implementing the drainage scheme, that is design, construction and maintenance costs.

REASON: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to the guidance set out in the National Planning Practice Guidance and at paragraphs 163 and 165 of the NPPF and any local plan policies where appropriate according to the local planning authority, for example WCS14 of CSLP, saved policy CS2 of the Wealden Local Plan."

This wording assumes that the Condition requested in the Environment Agency consultation response dated 14 February 2023 is also applied.

WDC Conservation and Design Officer

Summary: One response (received 06.04.2023)

OBJECTION

Heritage considerations

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990) (thereafter referred to as The Act).

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

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

Considerations of the proposals

The heritage issue for consideration is the impact of the proposed development on the significance of nearby heritage assets, through development within their settings. The NPPF at paragraph 199 states that great weight should be given to the conservation of designated heritage assets through an understanding of the impact of a proposed development on their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

I generally agree with the Heritage Assessment's analysis that the site contributes positively to the significance of Brook House through its setting, and that there would be impacts amounting to a medium level of less than substantial harm from the proposed development. The impacts could be reduced modestly by removal of the houses on the eastern side of the new access and more generally through use of more traditional forms of development 'fronting' the A271, rather than the large blocks shown on the illustrative plans.

Despite the intervening road infrastructure, such large (3-storey) blocks and this more urban form of development could, in my view, also present harm within the setting of Boship Farm Hotel through further erosion of the rural character of its surroundings and impact on the broader dispersed historic settlement pattern on the edge of Lower Horsebridge. The site forms part of the experience in terms of its contribution to the character and grain of the setting, and thereby affords some appreciation of the asset's significance.

I understand that the submitted site layout is indicative at this stage, however, I do have concerns that the layout as shown on the illustrative masterplan would not lead to the site being read as a sympathetic development within the setting of these heritage assets. The scale and shape of development would be in sharp contrast to the surviving rural qualities of the area which presently characterises the setting of the assets. As such, it is difficult to see

how the quantum of development proposed might be achieved without the higher density elements in the north-west corner of the site, in a manner which would avoid or minimise harm to the significance of the heritage assets.

In summary, the NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The NPPF also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment (paragraph 130); and specifically encourages local planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (paragraph 206). Chapters 5 and 7 of the Wealden Design Guide also encourage high-quality, contextual design. Where harm is considered to be less than substantial, as is the case here, this harm should be weighed against the public benefits of the proposal and this planning balance is for the planning case officer to consider.

WDC Arboriculture and Landscape Officer

Summary: One response (received 25.04.2023)

NO OBJECTION, SUBJECT TO CONDITIONS

I have the following tree & landscape comments in respect of the above outline application:

1. A full Arboricultural Impact assessment (AIA) and Method Statement to BS 5837:2012 has been submitted in support of the application.
2. There are no TPO/Conservation Area/Ancient Woodland or Veteran tree constraints on the site.
3. Tree features on the site are limited to an isolated group of trees to the centre east of the site and native species hedgerows along the A271 and part of the A22 boundaries of the site.
4. The proposal would result in no direct loss of trees (aside from those identified as requiring removal on safety/health grounds – G475). Some hedgerow removal would be required to facilitate the new access. The AIA identifies the quality of these hedgerows as poor and the accompanying Ecological Appraisal does not identify these as important hedgerows under the Hedgerow Regulations. Hedgerows on the east and west boundaries (H2 & H4) are identified as important and will be retained. It should be noted however that the EA identifies all hedgerows on site as meeting the criteria for UK BAP Hedgerow habitat. Removal of those sections of hedgerow required for the facilitation of development would therefore need to be considered in the wider planning balance.
5. Tree protection proposals are considered appropriate.
6. Landscaping proposals include new tree lined streets in line with NPPF para 131 and new hedgerow planting (set further back into the site to allow for necessary visibility splays) to compensate for the loss of the existing.

Should the application be recommended for approval I would request WDC standard conditions TP02, TP05(M), LA01 & LA02.

WDC Biodiversity Officer

Summary: One response (received 28.04.2023)

NO OBJECTION, SUBJECT TO CONDITIONS

Ecological appraisal (EA) and ecological impact assessment (EcIA) document have been submitted with the application. These are deemed to have been undertaken to a good standard and best practice guidelines.

Biodiversity Net-gain/loss

The areas of the site proposed to be developed have a relatively low biodiversity baseline, predominantly consisting of what has been identified as improved grassland. Features of higher ecological value are proposed to be retained and enhanced. Habitat creation/enhancement includes native urban tree planting, native hedgerow, pond, scrub, woodland and grassland creation. These features are depicted on the illustrative landscape strategy. Losses include largely what has been identified as poor semi-improved grassland and discrete section of hedgerow. A biodiversity net-gain assessment has been supplied with the application; this concludes the application would deliver a 29% gain in habitat units and a 40% gain in hedgerow units. This would meet current BNG policies.

Ecological mitigation measures/enhancements have been recommended in section 5.10 of the ecological appraisal which include herptile refugia, use of flowering seed mixes, wildlife pond creation, bat & bird boxes, swift bricks, hedgehog holes. Ecological enhancements are also recommended in section 7.20 of the EcIA including additionally native hedgerow creation and enhancement, scrub creation and native buffer planting.

Recommendations are provided for ongoing management and maintenance of ecological features, which may be secured by suitable landscape and ecological management scheme (LEMP). A CEMP is recommended in EcIA to safeguard existing aquatic features onsite.

Protected Species

An ecological appraisal and ecological impact assessment documents have been submitted to inform the application. Further surveys/updates recommended in the PEA have been undertaken and results and recommendations provided in the EcIA document.

The site has been identified as of value for foraging and commuting bats. Linear features and existing habitats of value are to be retained with creation of mosaic semi-natural habitat retaining and strengthening existing bat commuting/foraging areas on the site. Recommendations are provided to prevent impact or displacement of bat species or local populations including creation of lighting strategy in line with BCT guidance.

Reptiles species were not recorded on the site however low populations of slow worm and common lizard on land nearby. Recommendations for protected species are provided including timing, precautionary methodology and ecological supervision for breeding birds and habitat manipulation for reptile displacement. As discussed creation of a LEMP is recommended.

Ecological Connectivity and Local Ecological Network

The developable area is concentrated on the west of the site near existing roads (A22 & A271). The existing woodland and river onsite are proposed to be buffered and enhanced. Proposals also include creation of woodland & scrub, scattered trees, native hedgerow, lowland grassland/meadow and SUDs bordering development and native habitat planting. This is considered to provide benefits to connectivity in the local ecological network,

buffering and expanding existing 'island' of woodland onsite and providing higher quality habitat linking existing ecological links to the north and south/south-east of the site.



MAGIC plan of site with illustrative landscape strategy inlaid. Green arrow depicts retention and enhancement of existing local ecological network connections.

Protected Habitats

The site supports limited existing priority habitat. Existing hedgerows are largely retained with enhancements proposed. Onsite lowland deciduous woodland is proposed to be retained and enhanced.

Recommendation

No ecological objection, subject to following recommended conditions:

Recommended Conditions

EL02 - External Lighting - No Floodlighting (B)

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

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

NC08 Nature Conservation - Wildlife Management Plan

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

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

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

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

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

A suitably worded soft landscaping condition is recommended.

A condition for landscape and ecological management plan (LEMP) is recommended. The British Standard for Biodiversity BS42020 2013 LEMP standard condition wording which may provide helpful, is below:

Landscape and ecological management plans (LEMPs)

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

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

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

WDC Waste Management

Summary: One response (received 03.05.23)

NO OBJECTION

Comments provided regarding indicative layout.

WDC/Rother Pollution Control

Summary: One response (received 28.04.2023)

RECOMMEND APPROVAL WITH CONDITIONS

Air Quality

This is a significantly sized development which could result in an impact to local air quality due to an increase in traffic in the local area.

As such, the Air Quality Assessment undertaken by Stantec, Project Ref: 332110699/1300, dated December 2022 has been considered.

Overall, the assessment is considered satisfactory. From Environmental Health's perspective, the most important aspects of the assessment were the emissions cost calculations and the proposed mitigation methods.

The emissions cost calculation derived a value of £23,670 (as a result of emissions of NO_x and PM_{2.5} associated with traffic during the operational stage of the scheme).

It was noted that the current plans to offset air quality impacts are outlined in section 6.2 but are yet to be finalised. To ensure that such measures are introduced a condition is recommended below.

A Construction Environment Management Plan is also recommended as a condition. This will require the developers to consider how they will manage any dust generated on site during construction.

Potentially Contaminated Land

This development is proposed to be built on farmland. Farming can result in localised land contamination (bonfires, fly tipping, fuel leaks, deposits of waste materials etc). Therefore, the Ground Condition Assessment (Phase 1), Project Ref: 332110699 - Rev: 01, dated March 2022, undertaken by Stantec has been considered.

This assessment is acceptable and a contaminated land discovery strategy condition is recommended below. This condition covers the scenario whereby, if during development, materials are discovered which could be contaminants of concern, they are investigated, risk assessed and mitigated against as necessary.

Acoustics, Ventilation and Overheating

Traffic noise

The proposed development is adjacent to the A22 and A271 both of which are busy roads. This indicates that traffic noise could have an impact on future occupiers.

The noise impact assessment, undertaken by Stantec, dated December 2022, reference 332110699/1200 has been considered.

The 24 hour monitoring period is a bit short in duration, but overall, the assessment is satisfactory for this outline planning application. In short and unsurprisingly, properties away from the roads and closer to the centre of the site will probably reside in an acceptable noise environment.

However, properties closer to the roads will be more impacted by noise. Therefore, as per PPG-Noise, it is expected that good acoustic design (GAD) shall be integrated into this development. Only after all GAD options have been exhausted, should acoustic mitigation in the form of enhanced glazing; closed windows and mechanical ventilation etc, be considered.

A suitable condition is recommended below.

The developers should note that if GAD is not integrated into this development then Environmental Health will recommend refusal for any requests to discharge the recommended condition below.

With respect to noise and ventilation and consequently, compliance with Approved Document O (overheating), the design of the properties closest to the road could also determine whether they will comply with the simplified methods of ADO to prevent overheating (the simplified methods are also the most sustainable). It is strongly advisable that the acousticians, ventilation/overheating experts and architects work on the design of the properties together.

As noise, ventilation and overheating are inherently linked, the condition below covers each of these concerns.

Overall, it is recommended that as early as possible in the design stage, the developers integrate GAD and the cooling hierarchy into their properties to ensure that suitable internal and external noise levels are achieved, even during periods of overheating.

If, for some properties it is determined that the simplified methods to prevent overheating cannot be used, then dynamic thermal modelling for all such properties (as required by ADO) must be undertaken.

Air Source Heat Pumps (ASHPs)

The Energy Statement outlines that ASHPs will be used on this development.

This is welcomed by Environmental Health, but with a note of caution. ASHPs have the potential to cause nuisance issues and a potential detriment to amenity. As such, they should be installed with as much consideration and care as possible with respect to noise.

It is noted that the noise assessment showed that even next to the two busy roads, background sound levels can drop to approximately 30dB(A) at night. Sound levels may drop even further in the middle of the development and away from the road.

As the permitted development, MCS calculation method uses a 'blanket' background sound level of 40dB(A) whatever the location, Environmental Health strongly recommends that even for this planning application, a more stringent standard is applied.

Environmental Health recommends that the new guidance from the Chartered Institute of Environmental Health and the Institute of Acoustics is applied to this development rather than the MCS method. This new guidance recommends a rating level of 35dB(A) Leq,15min or less at the nearest sensitive receptor. A suitable condition is recommended below.

The developers should note that compliance with this guidance is neither a guarantee that noise complaints won't be made by future occupiers of the development nor that a Statutory Noise Nuisance won't be identified. However, the use of the new guidance should hopefully reduce the risk of this occurring.

Recommendation

Approval with conditions

Air Quality

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

Contaminated Land

CL04

Construction Environment Management Plan

C04(M)

Acoustics, ventilation and overheating

No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design, as per ProPG, shall be fully integrated into the scheme. This is to ensure that future residents shall not be exposed to unacceptable levels of noise exposure, even during periods of overheating. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS). The ADS shall be incorporated into the overall AVO scheme and GAD shall include as many of the following methods as possible:

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

- vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise
- viii. Using the building envelope to mitigate noise to acceptable levels

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

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

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

1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation);

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

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

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

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

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

Air Source Heat Pumps

Prior to commencement an Air Source Heat Pump acoustic report shall be submitted to the Local Planning Authority for approval. This report shall show that the installation of every heat pump across the development site shall comply with the Chartered Institute of

Environmental Health and Institute of Acoustic's guidance: 'Heat Pumps, Professional Advice note.'

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

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

Assessment

Housing Land Supply

Paragraph 74 of the NPPF requires local authorities to identify a supply of specific deliverable sites to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than 5 years old. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land, 10% where the local planning authority wishes to demonstrate a five year of deliverable sites through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year. Importantly, where there has been a record of persistent under delivery of housing through the Housing Delivery Test (HDT), local planning authorities should increase the buffer to 20%.

The latest national Planning Practice Guidance (PPG) states that for local planning authorities that deliver less than 85% of their identified housing requirement, a 20% buffer would then be added to their housing land supply position, with immediate effect from the publication of the HDT results. Only a 5% buffer would apply where the local planning authority has results of at least 85% for its HDT measurement and where they are not seeking to demonstrate a five year housing land supply position.

The government has recently published its HDT results for 2021 and this confirms that Wealden District Council had a result of 82% against its housing requirement. The implications of this result means that the local planning authority is required to use a 20% buffer for its five year housing land supply position. As set out in the Five Year Housing Land Supply Statement as of 1st April 2022, published December 2022, the Council confirmed there are 5,706 (net) dwellings on identified sites that are considered available, suitable and available now for the five year period, which is some 1,556 (net) dwellings less than the 7,272 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to 3.92 years (or 78.5%) of housing land supply

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 8 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.

The adopted development plan documents relevant to the application site are: 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; the Affordable Housing Delivery Local Plan adopted in May 2016; and the Hellingly Neighbourhood Plan (HNDP) July 2021.

Whilst the HNP is one of the most up to date documents in the suite of development plan documents, it does not allocate policies in its Plan for housing. This is significant in so far as the NPPF and para 14. Paragraph 14 of the NPPF states that:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years."*

There is no specific policy within the HNDP that prohibits residential development outside of the development boundary, nor does the HNDP allocate housing.

The site is outside the development boundary 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 site does not comply with any of the exception policies in the 1998 Local Plan nor does the site qualify as a Rural Exceptions site under Policy WCS9 of the Core Strategy Local Plan 2013. The site is not within any strategic development area identified within Policies WCS4 and WCS6 of the Core Strategy. The application site which lies in open countryside therefore conflicts with Policies GD2 and DC17.

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

In the absence of a five year supply of deliverable housing land the effect of policies GD2 and DC17 would be to restrict the supply of housing and prevent local housing needs being met. It is therefore the officer's view that very limited weight should be given to these two policies in the consideration of this application. On this basis the issue of housing delivery is considered to be a significant material consideration that outweighs the policy conflict with development plan policies GD2 and DC17 in terms of s38(6) of the Planning and Compulsory Purchase Act 2004.

Having regard to National Planning Policy Framework and Core Strategy policies relating to sustainable development, significant and demonstrable harm needs to be demonstrated for the proposed application to be refused.

Landscape and Visual Impact

The site lies in a predominantly rural landscape close to the urban edge of Horsebridge and Hailsham. At the County Level of Landscape Character Assessment, the site lies within the north eastern edge of the Eastern Low Weald Landscape Character Assessment. At the local level of landscape character assessment the site lies under the Local Landscape Character Type: Open Clay Vales and within E6: Hellingly Local Landscape Character Area and Landscape Setting Area Hailsham 9. The distinctive characteristics of Hailsham 9 include the *"gentle meandering corridor of the River Cuckmere, which is lined with a patchwork of predominantly pastoral ancient fields."* (Wealden Landscape Character and Settlements Assessment 2014) The Open Clay Vales LLCT was assessed in the Wealden Landscape and Settlement Character Assessment (2014) as having High Landscape Sensitivity and High Landscape Value. The site borders the River Cuckmere which is a landscaped feature of high sensitivity. The Cuckmere Valley forms an important green/blue corridor and creates a valuable sense of separation between Lower Horsebridge and the large urban area of Upper Horsebridge and Hailsham to the south.

Vegetation along the boundary with the A22 provides some enclosure in summer but with the boundaries being largely deciduous trees, the site is exposed in winter. The site is clearly visible from the A271 over the hedgerow. The development of this site would have a significant impact on the landscape character of the area. The development would significantly harm the character and appearance of the area and would therefore be in conflict with Policy EN8 of the Local Plan and Policy WCS12 of the Core Strategy. These policies require amongst other things, development to conserve the Low Weald landscape, conserve landscape character and to improve environmental conditions in the area. The proposal would also conflict with the aims and objectives of the revised Framework which seek to ensure that developments add to the overall quality of an area, are sympathetic to

local character and contribute to and enhance the natural and local environment, including by recognising the intrinsic character and beauty of the countryside.

Heritage Impact

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 16, sets the national agenda for 'Conserving and enhancing the historic environment'.

The desk based heritage statement supporting the application states that *"the proposed development is predicted to result in harm to the grade II listed Brook House as a result of the changes to the setting through the loss of part of the open land to the south and its visual prominence in close proximity to the asset. This will be a medium level of less than substantial harm in terms of NPPF paragraph 202."* Council officers concur with this assessment.

Boship Farm Hotel is also Grade ii listed. The Conservation Officer has also expressed concerns that *"the urban form of development could also present harm within the setting of Boship Farm Hotel through further erosion of the rural character of its surroundings and impact on the broader dispersed historic settlement pattern on the edge of Lower Horsebridge. The site forms part of the experience in terms of its contribution to the character and grain of the setting, and thereby affords some appreciation of the asset's significance"*

The Conservation Officer also clearly advises that *"The scale and shape of development would be in sharp contrast to the surviving rural qualities of the area which presently characterises the setting of the assets. As such, it is difficult to see how the quantum of development proposed might be achieved without the higher density elements in the north-west corner of the site, in a manner which would avoid or minimise harm to the significance of the heritage assets."*

In summary, the NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The NPPF also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment (paragraph 130); and specifically encourages local planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (paragraph 206). Chapters 5 and 7 of the Wealden Design Guide also encourage high-quality, contextual design. Where harm is considered to be less than substantial, as is the case here, this harm should be weighed against the public benefits..."

It is not considered that any heritage benefits would arise from the present scheme, nor that planning conditions could be capable of sufficiently mitigating that harm.

The wider public benefits matters could include the delivery of housing on a site that is ready and available. However as this report has demonstrated the delivery of that scheme

presents enormous challenges in regard to connectivity, accessibility and landscape impact. It is therefore considered that the benefits of the scheme do not outweigh those harms, therefore the less than substantial harm is not outweighed. Therefore, the scheme would not satisfy the aims of the National Planning Policy Framework as regards the conservation of heritage assets, nor would it 'preserve' the significance of the listed buildings, including two grade II listed buildings.

Traffic Impact and Access

ESCC Highways have set out in their consultation response their concerns, and it is not reiterated here other than to say that officers concur with the objections and the issue of accessibility of the site, which in this locality has been tested many times through the appeal process with proposed housing sites having been dismissed on grounds of accessibility and failure to meet the criteria of sustainable development.

Layout and Design

All matters are reserved other than access to the site (i.e. appearance, landscaping, layout and scale), the detailed position of particular buildings, internal roadways, parking, amenity space or proposed planting are all matters for later consideration. In terms of these aspects, this application simply has to demonstrate whether the quantum of development proposed, accessed from the locations detailed can be adequately accommodated within the constraints of the site.

An illustrative masterplan indicates one possible option of how the site could be developed

As layout has been reserved for future consideration through the submission of Reserved Matters, the merits of the illustrative layout are not considered in detail in this report. However it is evidenced that by virtue of the extensive use of flatted development along the boundaries which is clearly aimed as part of the noise mitigation measures, that not only is this development form inappropriate in the context of the surrounding area but that if a more traditional form of housing was introduced that the site could not accommodate the quantum of development proposed and meet all the necessary spatial requirements. As currently proposed the illustrative site layout does not meet the standards required as set out in the Wealden Design Guide, Development Plan Policies, Draft SPG Outdoor Playing Space and vehicle tracking drawings do not accord with the Good Practice Guide for Property Developers: Refuse and Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas. These issues would be exacerbated if the flatted building forms were changed to housing.

Flood Risk and Drainage

The site extends across Flood Zone 3 (High Probability) Flood Zone 2 Medium Probability and Flood Zone 1 (Low Probability). The actual residential development however will be entirely located within Flood Zone 1 which is defined in the Technical Guidance that accompanies the NPPF as having a "Low" risk of flooding from rivers or sea (i.e. having less than 1 in 1000 annual probability of river or sea flooding).

The NPPF recognises that flood risk can be considered to be a constraint to development and therefore the approach to steer development away from flood risk areas has weight even in the absence of a five-year land supply. Footnote 7 of Paragraph 11 refers to areas "at risk of flooding" as one of the specific policies which indicate development should be

restricted. Areas at risk of flooding as defined by the Technical Guidance to the NPPF means *“land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems as notified to the local planning authority by the Environment Agency”*. The site extends across Flood Zone 3 (High Probability) Flood Zone 2 Medium Probability and Flood Zone 1 (Low Probability). The actual residential development however will be entirely located within Flood Zone 1 and the site has not been classified by the EA as an area with critical drainage problems. Having regard to this it is considered that Footnote 7 of Paragraph 11 is not triggered relating to the risk of flooding for this site.

Paragraphs 159 to 162 of the NPPF set out a sequential risk based approach to the location of development. The aim of applying the sequential test, as paragraph 162 explains is to steer new development to areas with the lowest probability of flooding from any source.

Flood risk is mapped according to the probability of flooding which is expressed in three flood zones. Development proposals will require a sequential test if they are located in Flood Zones 1 with identified critical drainage problems and they are in Flood Zones 2 and 3, to determine whether there are any reasonably available sites at lower probability of flooding that could reasonably accommodate the development.

Where the red-edged boundary of the proposed development falls across Flood Zone 1 and Flood Zones 2 or 3, the application of the sequential test will depend on the nature and layout of the development proposed. Where “hard” development is proposed to be located in Flood Zone 2 or 3 then the normal approach is that the whole site would be subject to the sequential test. However where it is proposed to locate “hard” development in the part of the site in Flood Zone 1 only and assuming there are no other flood risk issues then the sequential test would not be required. The application site falls into this exemption from both the Sequential Test and Exception Test, as the built development is proposed on land within Flood Zone 1, only part of the site lies within Flood Zone 2 and 3 and the area of Flood Zone 2 and/or 3 will only be used for soft landscaping/open space AND safe access and egress during flooding can be achieved without having to use the area of Flood Zone 2 and/or 3. A site specific flood risk assessment (FRA) has been submitted in accordance with the requirements of the NPPF and the Technical Guidance, as the site exceeds the 1 hectare trigger in Flood Zone 1. The FRA identifies and assesses the risk of all forms of flooding to and from the development and having regard to this, it is considered there is no requirement for the Sequential Test for this site.

Having regard to the comments from the Environment Agency, ESCC LLFA and the Council’s Drainage officer set out earlier in the report, no objections are raised regarding flood risk and surface water drainage.

Noise and Air Quality

The Council’s Pollution Control raised no objections and recommended various conditions to address points they raised.

Ecology

Paragraph 180 of the NPPF states that *“When determining planning applications, local authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

The NatureSpace Newt Officer is satisfied that the development would be unlikely to cause an impact on great crested newts and/or their habitats. This is subject to use of a planning condition to secure the measures and recommendations outlined in the submitted ecological report.

Having regard to the Council's Biodiversity Officer comments and recommended conditions set out earlier in the report, no ecological objections are raised to the application.

Foul Water Drainage

Whilst Southern Water has advised that there is inadequate capacity within the existing foul sewerage network to accommodate the additional foul flow from the proposed development site, they have confirmed that the capacity issue within the local network can be addressed through the provision of additional infrastructure to provide sufficient capacity to service the development. A condition could be imposed that restricted occupation of the development until works required to upgrade the infrastructure sufficiently to provide capacity for the new development have been carried out

Habitat Regulations Assessment

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

Conclusion and Planning Balance

The starting point for determining planning applications is the Development Plan. Section 38(6) of the Town and Country Planning Act (TCPA) 1990 provides that planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

It is acknowledged that, by reason of the failure of the LPA to demonstrate a 5-year supply of deliverable housing land, Local Plan policies relating to housing need and supply are deemed to be out of date (Saved Policies GD2 (Development outside the development boundaries) and DC17 (Housing development)). The delivery of 124 houses, are afforded significant weight when viewed against the five year housing land supply shortfall. It would require a legal agreement to secure these and none is presented in the application.

Policies WCS6 (Rural Areas Strategy) and SP07 (Spatial Planning Objectives) of the CSLP are considered to be consistent with the Framework's approach to locate development according to the range of facilities available within settlements and the need to encourage the use of sustainable modes of travel to access them. There are no policies in either the Local Plan or Core Strategy which favour development in this location. No persuasive case has been advanced to address the failings of the sites location to key day to day facilities.

The degree of harm to the character and appearance of the site and surrounding area that would arise from the proposed scheme is such that officers consider this to carry substantial weight. Additionally, whilst the harm that would be caused to the setting of the listed buildings is 'less than substantial' in the terms set out in the NPPF, it is still significant for the reasons set out in the report and must be given considerable importance and weight in order to fulfil the statutory duty of the local planning authority under section 66(1) of the

Listed Buildings Act and comply with Court of Appeal judgments. In this regard, officer's find insufficient justification for overriding the presumption in favour of preservation of the setting of the listed buildings in this case.

The NPPF confirms three dimensions to sustainable development: an economic, social and environmental role. The development would bring economic benefits, delivering and supporting jobs on and off site. The economic benefits would also include spin-off benefits to other businesses in the area and supporting local services within the village. The proposals would help deliver much needed housing thereby meeting the social role. However the adverse harm identified within the environmental role relating to the impact on the character and appearance of the site and the area and setting of the listed buildings outweigh the social and economic advantages of the scheme. Therefore, it is concluded the proposal would not constitute sustainable development as prescribed by the Framework. Taking into account the golden thread of the presumption in favour of sustainable development which runs through the Framework officers attribute this substantial weight.

Taking into account all of the above, it is concluded on balance that the adverse impacts of granting planning permission in this case significantly and demonstrably outweigh the benefits of doing so, including the degree to which this would address the shortfall in housing supply in the area. The proposed development is therefore contrary to the development plan. The application is recommended for refusal