For: Planning Committee North
Date: 15 June 2023

WD/2022/0648/MAO - LAND AT MOCKBEGGARS FARM, LONDON ROAD, UCKFIELD TN22 2EA

Summary of Proposal

Major Application - Outline application for:-
OUTLINE APPLICATION FOR THE DEVELOPMENT OF 60 NO. DWELLINGS, ACCESS AND INTERNAL ROADS, PARKING, ANCILLARY STRUCTURES, LANDSCAPING AND OPEN SPACE, DRAINAGE AND OTHER ASSOCIATED WORKS. ALL MATTERS RESERVED APART FROM ACCESS.

Received date: 26 April 2022
8/13 week date: 20 January 2023

Parish: Buxted
Ward: Uckfield North
Grid Ref: 547551 122994

Link to website:
https://planning.wealden.gov.uk/plandisp.aspx?recno=157263
https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=661

Recommendation

Subject to:

(1) Completion of Section 106 Agreement to secure:

- 35% affordable housing provision to include first homes.
- 5% serviced plots for custom and self-build units.
- A financial contribution towards SANGS and SAMMS.
- A financial contribution toward off-site youth and adult recreation space in Uckfield in accordance with the requirements of the Council's current evidence base (at the time of writing this is draft SPG Outdoor Playing Space and saved policies LR1, LR3 and LR5 of the Wealden Local Plan).
- Onsite open space and play space to be retained in perpetuity.
- Highways works to include:
    - Reduction in the speed limit to include an extension of the 30mph and 40mph extents - subject of a TRO which should be reliant on the visual frontage appearance of the site.
    - Highway works:
    - Site access and grading;
    - Crossing point with refuge;
    - Footway on east side of London Road;
    - Southbound bus stop and infrastructure (cage, shelter, seating, RTPI, raised kerb);
    - Footway widening to minimum of 1.5m between proposed crossing and Paygate/1 Ringles Cottage;
    - Footway enhancement Ringles Cross to Snatts Road and double yellow lines (TRO);
    - Snatts Road junction realignment;
    - Layby to accommodate current on-street parking for 4 spaces;

- Northbound bus stop with infrastructure layby/parking (cage, shelter, seating, RTPI, raised kerb).

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

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the siting, design and external appearance of the buildings to which this permission relates and the landscaping of the site before any development is commenced, such matters being reserved from the permission. STD1A

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

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

   (b) the development to which this permission relates must be begun no later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. STD3

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

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. AR01

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

4. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (3) to the written satisfaction of the Local Planning Authority. AR03(M)

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

5. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved

CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details as appropriate but not be restricted to the following matters:

- Temporary access provision.
- The anticipated number, frequency and types of vehicles used during construction.
- The method of access, turning, egress and routeing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- Details of public engagement both prior to and during construction works.
- A scheme for the control of noise and dust.
- Measures to manage flood risk, both on and off the site, during the construction phase.

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

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

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

REASON: To protect the residential amenities of the locality, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998; coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.

7. No development shall commence until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The foul drainage works shall be implemented in accordance with the approved details.

There shall be no occupation of the development until it has either been confirmed by Southern Water that there is capacity for that Phase of the development or where an upgrade to the infrastructure is required that the

necessary upgrades have been implemented and confirmed by Southern Water to the Local Planning Authority.

REASON: To protect water quality and to secure a satisfactory standard of development, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013.

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

The surface water drainage system shall incorporate the following:

1. If the Infiltration Proposal (detailed within the Flood Risk Assessment) is proposed, the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365 and groundwater monitoring undertaken between autumn and spring. The strategy should be supported by detailed drainage drawings and hydraulic calculations which should take into account the connectivity of the different surface water drainage features.

2. If Attenuation Proposal (detailed within the Flood Risk Assessment) is proposed, surface water discharge rates should not exceed Qbar for the developable area of the site for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted to support the detailed drainage drawings of the drainage strategy. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

3. The condition of the ditch/drain which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements should be carried out prior to construction of the outfall.

4. The details of the outfall of the proposed attenuation pond should be provided as part of the detailed design. This should include cross sections and invert levels.

5. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

6. The detailed design of the attenuation pond/permeable paving should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

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

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

9. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

   a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

   b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

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

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

10. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

    REASON: To prevent pollution of the water environment, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2021.

11. Before preparation of any groundworks or foundations for the development hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained.

    NOTE: The provision of air conditioning units, small wind turbines, and ground/air source heat pumps to meet the requirements of this condition would require a scheme to provide details of octave band sound levels and noise mitigation measures to limit their impact. Any unit shall not be audible beyond the boundary of each individual premises. The scheme shall also include provision for post-

installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority.

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

12. The reserved matters submission shall identify the location of the 65% market dwellings to be provided on site. The development shall be carried out in strict accordance with the approved scheme.

REASON: To ensure that the development comes forward in a form which ensures that its impacts upon infrastructure have been appropriately mitigated and avoids a development coming forward the impacts of which have not been appropriately mitigated having regard to Spatial Planning Objectives SPO3, SPO4, SPO5, SPO13, SPO15 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013, and Saved Policy EN1 of the adopted Wealden Local Plan 1998.

13. The development shall not commence until technical details of the layout of the access and all associated off-site highway works which shall include details of new and enhanced footways, uncontrolled crossing point, bus stops, new layby and layby enhancements, Snatts Road junction improvements, and associated Traffic Regulation Orders (speed limits and parking restrictions) have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the technical highway scheme and Traffic Regulation Orders have been authorised and completed.

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

14. The access shall not be used until visibility splays of 2.4m by 215m are provided in both directions and maintained thereafter. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

15. 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, having regard to SPO2, SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

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

REASON: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

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

REASON: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

18. The Travel Plan Statement, once approved, shall be in operation from first occupation of development. The appointed Travel Plan Coordinator shall provide a monitoring report to the Local Planning Authority after 1 year of full occupation to be audited by the Highway Authority.

REASON: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development, having regard to SPO2, SPO7, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN1 and EN2 of the adopted Wealden Local Plan 1998.

19. Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking shall be provided prior to the occupation of the associated dwellings and thereafter retained to the satisfaction of the Local Planning Authority.

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

20. Prior to works below ground level an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents

of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
- Adjoining land
- Groundwaters and surface waters
- Ecological systems
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agencys Land Contamination Risk Management (LCRM)? web pages https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm. CL01

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of paragraph 183 of the National Planning Policy Framework 2021.

21. Prior to works below ground level a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. CL02

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013.

22. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

    Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. CL03

    REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 19 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 20, which is subject to the approval in writing of the Local Planning Authority.

    Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 21. CL04

    REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13 and Policy WCS14, of the Wealden Core Strategy Local Plan 2013.

24. A noise report using Pro PG, Planning and Noise shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission showing;

    (1) An initial noise risk assessment of the proposed development site
    (2) A systematic consideration of four key elements.
    Element 1 – demonstrating a "Good Acoustic Design Process"
    Element 2 – observing internal "Noise Level Guidelines"
    Element 3 – undertaking an "External Amenity Area Noise Assessment"
    Element 4 – consideration of "Other Relevant Issues".

    The report shall demonstrate that:

(3) Night time internal noise levels within bedrooms will conform to the "good" design range, as identified in BS 8223 and shall include details and specification of passive acoustic ventilation proposed..

(4) External noise levels within gardens do not exceed 55 dB LAeq (16hrs) (0700-2300)

(5) Internal noise levels within habitable rooms (living rooms/conservatories) will conform to the "reasonable" design range, as identified in BS 8223: Sound Insulation and Noise Reduction for Buildings/Code of Practice.

All mitigation measures deemed necessary shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved scheme prior to occupation of those dwellings identified as requiring noise mitigation.

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

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

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

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

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

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

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

27. Before preparation of ground levels for development approved a wildlife management plan shall be submitted and approved, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it. NC08

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

28. The development shall take place strictly in accordance with the recommendations set out within the Ecological Appraisal January 2022 (date stamped 9 March 2022) authored by Aspect Ecology. The development shall be carried out in accordance with the approved details and thereafter retained.

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

29. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note GN01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK.

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

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

30. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-

    (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.

    (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.

    (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.

    (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.

    (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.

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

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

31. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

    Ref. Date Stamped. STN4
    Drawing 16997-H-03 Rev P3 (within Transport Technical Note dated January 2023)
    Energy Statement
    Flood Risk Assessment
    To be completed post committee

    REASON: For the avoidance of doubt.

The Local Planning Authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at www.planning.wealden.gov.uk

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

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

NOTE 2: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house / street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address. STN8

NOTE 3: A formal application for connection to the public sewerage system is required in order to serve this development. For further advice, please contact:

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

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.

NOTE 4: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

. NOTE 5: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an

ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

NOTE 6: The applicant is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads. STN13

Reasons for referral

This application is being referred to this Committee because the scale of development proposed falls outside of the Councils adopted Scheme of Delegation.

Executive Summary

The site lies to the east of London Road to north of Ringles Cross. The site comprises two fields, used for pasture. The site is bounded by mature hedgerow vegetation interspersed with trees. There is residential development around the site with the exception of the western boundary with abuts London Road

The site is set around 300m north of the Uckfield development boundary as detailed in the 1998 Local Plan the site is within the Low Weald Landscape Character area.

This planning application seeks outline planning permission for the erection of 60 dwellings together with a vehicular access onto London Road. With the exception of the site access, all other matters are reserved.

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

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

Whilst the development is in conflict with Policies GD2 and DC17 which restricts development in the countryside, material considerations which weigh heavily in favour of the development are the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and meet the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

It is the view of Officers that the site is suitable for residential development and having regard to the planning balance and the considerations set out in the main body of the

report, it is recommended that the application is APPROVED subject a S106 Agreement and planning conditions.

1. Statutory Bodies and Residents - Responses

Highway Authority

Summary *- two responses (received 16 February 2023 and 17 February 2023) -* ***NO OBJECTION subject to conditions moving from Objection due to insufficient information (No Travel Plan)***

Officer note: The ESCC response includes blue text (Designers Response) and (Comments received from the County Passenger Transport Team) and green text (HA response). In this officer report the blue text is indicated in italic text and the green text is indicated by underlined italic text.

Executive Summary

This application seeks outline consent for 60 dwellings. Extensive discussions have taken place between the transport consultant and this authority regarding accessibility, due to the location of the site. This response cannot be completed until the Travel Plan has been submitted. The appropriate guidance has been forwarded to the transport consultant.

Preamble

This application was received as a formal consultation in May 2022 and attracted a number of highway objections. Please note that the highway representation remained as a draft response which was shared with the applicant and planning case officer and was not submitted as a formal objection. The summary of the objections originally made are:

i) Access suitability - gradient
ii) Lack of measures to support active travel accessibility
iii) Site within a 60mph limit not conducive to reaching footway on west side of London Road or for cyclists.
iv) Lack of suitable footway between Ringles Cross/Ringles Place and Snatts Road
v) Lack of information to support the application – non motorised user audit
vi) Location reliant on private car due to active travel constraints on the network

Response
This application seeks outline consent for a residential development of 60 dwellings, with all matters reserved except for access. The applicant did not engage in pre-application discussions with the Highway Authority.

The matters that concern this authority are:

- Existing conditions

- Access provision for vehicles and non-motorised users and suitability of the access for service/emergency vehicles
- Accessibility to local amenities, public transport and public rights of way
- Traffic impact on the highway network
- Mitigation measures required to support a development of this scale
- Walking distance to existing bus service infrastructure

Existing Conditions
London Road (C33) is subject to derestricted speeds along the site frontage. The speed limit changes to 40mph at Ringles Cross to the immediate south and then 30mph approaching Uckfield Town. The site is currently agricultural and has an access from a single point adjacent to Chichester Caravans commercial site. For its length, London Road is unlit from Budletts roundabout to Ringles Cross PH/junction Coopers Green Road.

London Road accommodates 6220 vehicles per day (AADT 2021) and has a narrow footway on the western side. The footway surface is approximately 1m in width and has a wider verge strip separating this from the carriageway. On the eastern side is highway verge between 1.6m and 3.6m in width along the whole site frontage.

The bus stop to the north of the site would be 400-500m from the centre of the site, for a northbound service (stop is opposite property Fairhazel), this provision is a layby arrangement with a simple flag and timetable and lacks a shelter, seating, kerbing and real time passenger information. Southbound stop is opposite the junction with Snatts Road, 500-600m from the centre of the site. This stop has a shelter and seating but lacks kerbing and real time passenger information.

The applicant has provided a 7-day speed survey at a location close to the proposed access point. The outcome of the survey indicates that the 85th percentile speeds are 52.1mph (SB) and 50.3mph (NB). Noted from the data, is that outside the hours 0700-1800, speeds are reaching 60 -70mph.

Police crash records have been interrogated for the past 36 months and there have been 3 injury related crashes south of the site at the junctions London Rd/Coopers Green Road and London Road/Snatts Road. These were driver error and not related to the technical attributes of the highway. To the north, there have been 4 injury related crashes at the junction London Road/A272 and Budletts Roundabout. Again, these were not contributed to by driver error.

The site location is north of Uckfield, with Ringles Cross being the closest sub-settlement, where there is a local pub/restaurant. Coopers Green is a small settlement to the east and to the north is Five Ash Down. Uckfield town centre is located to the south and is approximately 2km from the site access and 2.25km from the centre of the site.

The closest amenities are the PH which is 0.5km distant; Tesco Express on Browns Lane, 1.4km; Uckfield College 1.7km; Manor Primary School 1.9km; leisure centre 2km; Bonners Primary school 1.2km; Buxted Primary School

1.9km; Ashdown Business Park 2.6km. Access to these locations will be discussed later in this response.

The Proposal and Access Provision
The proposal is for 60 dwellings and approval is sought for access only. Matters for consideration are vehicular access into the site and non-motorised user access to the network, public transport and local amenities/destinations.

The vehicle access is shown onto London Road, central to the site frontage and is a simple priority junction with 5.5m wide width, 2m wide footway on south side, 8m radii and 0.5m verge to the north side. The footway connecting the site to London Road is a short section which terminates approximately 10m south of the access where a dropped kerb and tactile paving is indicated to enable connection to the existing footway network on the west side of London Road, where corresponding dropped kerb and paving is proposed. The gradient of the access has not been provided and there is a levels difference between the site and carriageway.

Driver visibility is indicated as exceeding the requirement for a derestricted speeds when looking north (215m from a setback of 2.4m) and looking south 171m can be accommodated within the highway, though there may be a requirement to reduce the level of frontage vegetation. These sightlines are in accordance with Design Manual for Roads and Bridges stopping sight distances, based on the observed speeds provided in the speed survey.

A swept path plan is provided showing a refuse truck 11.97m long. This indicates that the proposed arrangement could accommodate this vehicle which would require regular access.

A road safety audit was been provided for the initial access proposal and it is noted the 3 problems raised:

Location: A - The proposed priority junction serving the development.
Summary: Risk of side impact collisions of high severity.
Although adequate visibility can be provided at the junction, in accordance with both Manual for Streets and Design Manual for Roads and Bridges, some drivers waiting to exit a side road experience difficulties judging the speed of an approaching vehicle, and the gaps between approaching vehicles, especially when the speeds are high, such as in a national speed limit area, and where drivers on the main road are anticipating being able to make faster progress when leaving a lower speed limit in an urban area. This will lead to an unnecessarily high risk of side impact collisions at the development junction.
Auditor Recommendation: The existing 40mph speed limit starting point should be extended northwards to a point an appropriate distance north of the proposed development junction.

Designers Response: While we note the points raised in relation to the relocation of the speed limit, it is unlikely that the character of the road is to substantially change as part of the proposed application besides the construction of the access and crossing point. Due to the limited change in nature, we would view that there may not be sufficient justification to relocate the speed limit as vehicles

are still likely to travel at the same speed as the existing situation. If the Highways Authority are of the view that the speed limit should be relocated, then a condition could be applied for delivery as part of the reserved matters phase.

HA Response: The evidence from the surveys suggests that 85th percentile speeds exceed 50mph, which would require physical measures in the highway to assist to reduce speeds of vehicles both northbound and southbound for purposes of reducing the speed limit to 40 mph. A highway related scheme to include traffic calming features would need to be considered not just for this problem, but to provide a more suited environment for pedestrians to cross the London Road, preferably in two parts with a pedestrian refuge, and for cyclists emerging and exiting the site access. An audited highway scheme is required for purposes of 'access', which is the detail sought by this application, and should be demonstrated as deliverable at this stage, not at reserved matters stage. Please note that this will need to be consulted with the Traffic and Safety Team and Sussex Police, as well as having a further road safety audit.

Location: B - The proposed uncontrolled pedestrian crossing point on London Road.
Summary: Risk of left turning vehicles from the development colliding with pedestrians on the crossing.
Some drivers turn left from a side road without adequately looking to the left, only concerned about drivers from their right to whom they will have to give way. If this occurs when a pedestrian is using the crossing point, there will be a risk of a collision between the pedestrian and the left turning vehicle.
Auditor recommendation: The uncontrolled pedestrian crossing should either be located further away from the junction or should be located on the north side of the development junction. If the latter is the case, the footway within the development should, therefore,be on the north side of the access road.

Designer's Response: The pedestrian crossing has been relocated a further 10m south from the access point in order to reduce any chance of vehicle to pedestrian collisions.

HA Response: The sole route for pedestrians is to join the footway network on the opposite side of London Road, and to promote sustainable travel choices, a crossing point should provide a level of safety and provide confidence to its users. A simple dropped kerb arrangement where speeds are exhibited to exceed 50mph in an unlit road is insufficient for this level of development A highway related scheme to include traffic calming features would need to be considered for the earlier problem and to provide a more suited environment for pedestrians to cross the London Road, preferably in two parts with a pedestrian refuge.

Location: C - The access road approach to London Road.
Summary: Risk of side impact collisions if side road vehicles unintentionally roll onto London Road.
The development land is some 2m higher than London Road. If the gradient of the access road is too steep approaching the give way lines, an exiting vehicle may unintentionally roll onto London Road whilst waiting to manoeuvre, increasing the risk of side impact collisions.

Auditor's recommendation: A relatively flat dwell area should be designed into the access road near the give way lines.

Designer's response: not provided

HA Response: Access details have not been submitted to indicate the cross section of the access or verge grading. A maximum gradient of 1:25 is recommended for the first 10 metres and 1:9 thereafter.

Summary of proposed access problems:
a) Access gradient
b) No cycle provision
c) RSA problems – pedestrian access, vehicle speeds, speed limit

Further information has been submitted during the course of the planning application period and this entails a series of work including:

- Extension of the 40mph speed limit to include the site up to a point 90 south of Budletts Roundabout.

Following discussions with Sussex Police and the Road Safety Team, for any reduction to the speed limit, there needs to be a consistent message along the section of London Road affected that has similar in character. The reduction in the national speed limit to 40mph is required to commence from the Budletts Roundabout to include the junction with the A272. Historic speed data has been made available at Blue Asia location and at Carmel/Carmel Cottage where mean speeds have been recorded as 43 and 45 mph. Provided there is sufficient signage by way of repeaters, this would be the requirement and the speed limit proposal is supported in principle subject to the infrastructure proposed [crossing point refuge, bus stops, new access with dominant visual frontage and related boundary vegetation that appears as a residential landscape feature] with the objective to look and feel less rural. There has been a request by Sussex Police that the 30mph extent to the south of Ringles Cross is extended, ideally further north to encompass Ringles Cottages and section with widened footway (which has the character of a 30mph limit), so that the 40mph can commence thereafter (further speed survey is likely to be required to ascertain the position). A TRO will be required for speed limit proposals to accommodate the proposed housing and associated accessibility infrastructure.

- Pedestrian crossing to include a refuge to reach footway on west side of London Road.

The footway on the west side of London Road would require some minor widening down to Ringles Cross so that the site can accommodate wheelchair users and adults accompanying young children. The crossing is accepted, and footway works are requested and would form part of a s278 package of highway works secured in a s106 agreement.

- New bus stop with carriageway bus cage markings, shelter and seating along site frontage south of the proposed access for southbound services.

This is accepted and would be part of a s278 package of highway works secured in a s106 agreement.

- Bus stop with bus cage markings within existing layby on west side of London Road (just south of Chichester Caravans site).

This is accepted and would be part of a s278 package of highway works secured in a s106 agreement, though this layby should be reviewed so that parking provision, currently enjoyed by local residents is not compromised and that the bus can ingress and egress appropriately. This may require a minor extension to the layby.

- Ringles Cross - minor carriageway narrowing to 6.4m to allow footway on west side of London Road between Paygate/1 Ringles Cottage and Snatts Road junction to be improved to meet standards of between 1.9m and 2.4m in width. Parking restrictions (double yellow lines) are required to support this to ensure that the footway is unobstructed, and the carriageway can support unhindered flows of traffic. To ensure that alternative parking provision can be met within a short distance of the cottages that currently park on the existing narrow footway, a layby is proposed opposite properties Woodview and The Roches, sufficient for 4 vehicles (as per overnight parking surveys carried out on 5 separate days).

This is accepted and would be part of a s278 package of highway works secured in a s106 agreement, with a TRO for the parking restrictions.

- Snatts Road junction improvements to alignment and footway provision to provide pedestrian visibility when crossing the junction.

Swept path analysis has been produced to confirm suitable access for refuse trucks and pedestrian visibility. This is accepted and would be part of a s278 package of highway works secured in a s106 agreement

Accessibility

The proposal for 60 dwellings will contribute to expansion of the existing built environment and there is a requirement that all development should accord with the requirements of the NPPF to prioritise provision for pedestrians and cyclists. This site is located where local amenities are within walking and cycling distance and being less than 2km they are short journeys and are not necessarily dependent on the use of a private car. However, every non-motorised journey from this site would need to traverse London Road to reach local schools, local employment, public transport, possibly more than once. The applicant proposes an uncontrolled crossing point with a refuge to split the crossing manoeuvre in two parts, where vehicle speeds are proposed to benefit from a reduced speed limit as recommended in the safety audit.

It is noted the footway on the opposite side is narrow and does not exhibit ideal width of 2m and would be the only route for users of this site. Some minor widening to 1.5m would benefit the route between the site and Ringles Cross whilst maintaining the benefit of there being a good level of separation between

pedestrians and vehicles on this section footway and the applicant has proposed widening the footway surface between the site and opposite Ringles Cross Cottage. The footway enhancements would be essential to be able to accommodate pedestrians with accompanied children as well as persons with mobility impairments.

Comments received from the County Passenger Transport Team on the original submission are in blue, with highway authority comments in black:

All of the existing bus stops are some distance away, i.e. more than about 500 metres from parts of the development. There is also no southbound bus stop to match the northbound stop near the Blue Asia restaurant. We would expect a new pair of bus stops (northbound and southbound) to be provided as close to the development as possible. These are now provided in the submitted drawings.

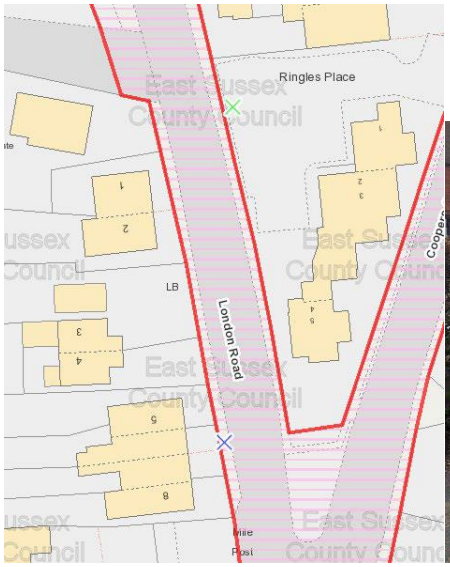
There would seem to be scope to create a northbound bus stop in the car layby almost opposite the development. This would require a raised kerb, bus stop clearway markings, bus stop pole (sourced from 'Externiture') and an accessible/safe road crossing point. Given the length of the layby, there may be scope to retain some parking, but this will need to be so that it doesn't interfere with the ability of buses to enter/exit the layby safely and deploy their wheelchair ramp adjacent to the raised kerb. The applicant has proposed a bus stop in this layby, but there have been concerns raised locally that the provision for accommodating parked vehicles clear of the highway should not be compromised. The proposed plan indicating the bus stop in this layby should accommodate some parking for cars which may require the extension of the layby, or a separate provision. It should be noted that the bus needs to essentially stop at the raised kerb and not distanced from it.

The southbound bus stop should be provided adjacent to the development. We would envisage this being on the main carriageway, subject to a safety assessment. An accessible paved walking route will need to be provided between this stop and the development. There would also need to be a raised kerb, bus stop clearway markings, Externiture bus stop pole, real time display and bus shelter with seating. Therefore, it will be necessary to provide sufficient pedestrian space adjacent to this bus stop so as to accommodate the bus shelter too. These are now provided in the proposed drawings.

In terms of bus service provision, this section of London Road is served by an hourly Monday to Saturday daytime bus service (route 31), supplemented by a Monday to Friday 2 hourly bus service (route 261). In line with the Government's 'Bus Back Better' National Bus Strategy, we would also seek funding of £1,100 per dwelling (ie. £66,000 for the proposed 60 dwellings) to secure evening and Sunday bus service provision. This may be in the form of a conventional timetabled bus route, or by way of Digital Demand Responsive Transport (DDRT) whereby service users pre-book their journey requirements by way of phone or app. This service enhancement would be sought as a contribution within a s106 agreement.

Access to public rights of way would not be easily accessible from this site and would involve crossing the London Road to reach Buxted 57a from Coopers Green Road.

It had been raised earlier to the LPA and applicants that the demands towards Uckfield town are constrained by the context of the highway on the approach to Ringles Cross/Coopers Green Road where there is little highway availability to enhance footways and noting that several properties bounding London Road use the footway for parking and have overhanging vegetation which reduces the narrow footways even further. See below:





Footway widening in this section and enhancements to Snatts Road junction have been submitted.

Traffic impact on the highway network

TA development of 60 dwellings are predicted to generate approximately 276 trips daily based on 39 market dwellings and 21 affordable dwellings are stated in the TA. A sensitivity test has been applied. The peak hour generation would be approximately 30 vehicles 08-9000 and 17-1800hrs.
AM - 22 departures (17 right out, 5 left out), 8 arrivals (1 right in, 7 left in)
PM - 11 departures (8 right out, 3 left out), 20 arrivals (3 right in, 17 left in)

Over each peak hour, the level of traffic is not considered to have a discernible impact on the highway network in isolation, representing very little impact on the junctions assessed. However, this application has not included proposals in the Coopers Green/Five Ash Down area that have been recently approved/allowed at appeal or wider modelling that has been required for major sites in Uckfield. There is some concern that the modelling provide by the applicant does not consider the cumulative impact on the network of sites which may come forward. However, based on the committed development in Five Ash Down and Coopers Green Road, the impact of this development is not likely to represent a severe impact on the highway network in traffic terms.

For: Planning Committee North
Date: 15 June 2023

Travel Plan

For developments larger than 35 dwellings and less than 80 dwellings, a Travel Plan statement is required. Such a document is a standard requirement, and the guidance is available on the County website. On the basis that the applicant's transport consultant has discussed measures to increase travel options for this site, and the detached position of the site from the built-up area of Uckfield, a Travel Plan would be critical to supporting this development.

Summary

This proposal is located outside the built-up area of Uckfield and as such the infrastructural requirement to successfully connect the site for active travel purposes is extensive, which demonstrates what is required to support an extension to the town, which should be supported by a Travel Plan. A Travel Plan Statement has been provided (by email on 17 February 2023) which is regarded as draft currently.

Lead Local Flood Authority

Summary *- one response (received 23 May 2022) -* ***NO OBJECTION subject to conditions***

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

Detailed comments:

The Lead Local Flood Authority's response is made on the understanding that this is an outline planning application with approval sought for the site access only. As such, we consider that the proposals are acceptable in terms of surface water management and local flood risk at this stage. 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. If Option 1 is proposed, the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365 and groundwater monitoring undertaken between autumn and spring. The strategy should be supported by detailed drainage drawings and hydraulic calculations which should take into account the connectivity of the different surface water drainage features.

2. If Option 2 is proposed, surface water discharge rates should not exceed Qbar for the developable area of the site for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted to support the detailed drainage drawings of the drainage strategy. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

3. The condition of the ditch/drain which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements should be carried out prior to construction of the outfall.

4. The details of the outfall of the proposed attenuation pond should be provided as part of the detailed design. This should include cross sections and invert levels.

5. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

6. The detailed design of the attenuation pond/permeable paving should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

7. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

    a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
    b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Southern Water Services

Summary *- one response (received 27 May 2022) -* ***NO OBJECTION***

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 waste water network capacity is available to adequately drain the development.

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.

Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDs component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.

- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Note: A manhole and short length of gravity pipe work will normally be required between the rising main and the public sewer.

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.

<u>Environment Agency</u>

No response received at the time of writing this officer report to Planning Committee North. If any response is received prior to the committee meeting this will be provided to members by way of an update.

<u>County Archaeologist</u>

Summary *- one response (received 6 June 2022) -* ***NO OBJECTION***

Recommend for approval in principle subject to the imposition of conditions

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

Detailed Comments:

Very little archaeological fieldwork has been undertaken in proximity to the application site, therefore the archaeological potential is largely undefined. The applicant has submitted a desk-based heritage statement in support of this application which is generally well researched. However, there is very little information on the findings of the site visit which provides no assessment of landscape features within the site. Additionally, readily available LiDAR data has not been consulted, nor was a visit made to the East Sussex Records Office (ESRO) where additional useful sources of information could have been consulted. I have consulted the Ordnance Survey draft map of circa 1800 (readiliy available at ESRO) and looked at Lidar data (readily available online) and it is evident that a former building stood within a square enclosure at the north-western corner of the northern field. Subtle earthworks are evident on LiDAR imagery which appear to correspond with this enclosure. Boundary ditches are also evident at the extreme northern and eastern edges of the northern field but appear to be of 19th-century origin. A former north to south aligned road or trackway that divides the site is very evident on LiDAR imagery as a sunken feature that forms the parish boundary between Buxted and Uckfield and would, no doubt, have been equally evident when the site was visited. The above-mentioned former building lies immediately east of the former road, opposite Mockbeggars Farm.

The heritage statement concludes that there is low potential for significant archaeological remains of all periods with the exception of the post-medieval period. The evidence suggests that any as yet unrecorded archaeological remains would likely be of no more than low local significance. I am broadly in agreement with these conclusions, but would point out that below ground evidence of the former building which is at least 18th-century in date, but was overlooked in the heritage statement may be of greater significance, but unlikely to be of national significance. I therefore agree that the impact of the proposed development can be addressed through post-determination fieldwork in line with the planning conditions (recommended).

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):

Police (Crime Prevention)

Summary *- one response (received 25 May 2022) -* ***NO OBJECTION***

Thank you for your correspondence of 06th May 2022, advising me of an outline planning application for the development of 60 no. dwellings, access and internal roads, parking, ancillary structures, landscaping and open space, drainage and other associated works. All matters reserved apart from access at the above location, for which you seek advice from a crime prevention viewpoint.

For: Planning Committee North
Date: 15 June 2023

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

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

I was very pleased to note from the Design and Access Statement submitted in support of this application, the mention of including Secured by Design principles within the design and layout. The applicant's agent has clearly demonstrated their understanding of CPTED and the principles of Secured by Design and its requirements by implementing in the main, back to back gardens that eliminate vulnerable rear garden pathways, good demarcation of defensible space, robust rear fencing and overlooked streets with natural surveillance. These have all been incorporated into the design and layout of the outline application.

Parking in the main has been provided with in-curtilage, garage and a number of on street parking bays, this should leave the street layout free and unobstructed. 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.

Where gates give access to the rear gardens of the properties, they must be placed at the entrance to the garden as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwellings 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

In order to ensure that there is as much natural surveillance across the development as possible, ground planting should not be higher than 1 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.

I would question the siting of the children's play area behind the woodland / hedge buffer as this restricts natural surveillance from the surrounding dwellings. I feel it would be better if it swapped locations with the food growing area. 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 and open spaces must have features which prevent unauthorised vehicular access Para 9 SBD Homes 2019.

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 and pedestrian door-sets.

Lighting throughout the development will be an important consideration and where it is implemented 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.

There is mention of 3 dwellings being allocated as self builds. I would like to direct the applicant to the SDB Self build Document 2019. This Secured by Design (SBD) Self Build Guide seeks to provide advice on how to create a safe and physically secure new home. This may be beneficial to potential self – builders.

I have no immediate concerns with the proposals and look forward to providing more in-depth crime prevention comments at the reserved matters stage.

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.

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.

For: Planning Committee North
Date: 15 June 2023

Buxted Parish Council

Summary *- three responses (received 12 April 2023, 9 December 2022 and 17 June 2022) -* ***OBJECTION***

Members considered the neighbours strong objections to this application. The changes made to the plans would lead to over development of upper part of the site. It is on a ridge which will be very visible in the landscape. The proposal to remove existing residents parking spaces outside the Ringles Cross Cottages is unacceptable, they have been parking there for at least 32 years. The mitigation aspects do not outweigh the harm to ancient woodlands and wildlife corridors and more recent bat surveys which have confirmed the presence of Barbastelle bats, amongst others. There are still considerable hydrological implications which do not seem to have been addressed and were queried in the original response from Buxted parish council and many others. The parish councils' previous objections stand (this paragraph is text from 12.04.23 response)

The parish council OBJECT to this application. Additional Historic Landscape Assessment not covered in the submitted application. Impact on Historic Landscape north-east of Uckfield

Early references

This small enclosed and somewhat hidden landscape was once part of a wider landscape, some of which still exists to the east of the A22, now called Budletts Common, of which this was once part. The first found refence to Budletts Common was in 1585[1] and there is some historical reference to the common previously being called St Bartholomew's Common which would mean it was connected to St Bartholomew's Church in Maresfield and now is but a small extant part of a much wider landscape. There is reference to a lease dated to 1670 which refers to a tenement called Mockbeggars with outhouses, gardens and lands which is the earliest reference found to a property on this land[2].

Map Evidence

On the 1778 Yeakell and Gardner map, the notable triangular shape of the land is depicted clearly with Malling Budletts Common land extending eastwards to the Ringles Cross Road and beyond, fronting the northern and northeastern aspects of Views Wood (Ancient Woodland). A road dissects the lower part of the triangle, southwards to Ringles Cross and northwards, across the common and continuing through Five Ash Down. This road formed the old Uckfield/Buxted Parish boundary. On an 1812 Figg Map, drawn up for the owner of Buxted Park Estate, part of this land is noted as Malling Budletts. [3]This map shows a small rectangular, occupied building, on the opposite side of the road to the present farmhouse. This is likely to be the building which was standing in the mid C17 but was built over mid C20 by pigsties and likely to have been superseded by the early C19 farmhouse.

For: Planning Committee North
Date: 15 June 2023

C19-C21 Development

Mockbeggars Farm was once of the Buxted Park estate and some of the buildings date from the early C19 at a time of expansion of that estate. Development only came after 1922 when a sale catalogue for Buxted Park shows Mockbeggars Farm as lot 41 with its surrounding farmlands, part of which now includes the outline planning development application (4). The surrounding landscapes are relatively undeveloped, including the small, road-side development of settlement of Coopers Green. Development in this area came in the 1930's when land belonging to Buxted Park estate came up for sale again, prior to that there was only a scatter of dwellings in Five Ash Down.

Mockbeggars Farm, MES32192 is described in the ESCC Heritage Environment Record as: 'Mockbeggar Farm, Buxted. Extant 19th century farmstead. The farmstead is formed of a loose courtyard with two sides of the yard formed of agricultural buildings and additional detached elements to the main plan. The farmhouse is set away from the yard. The farmstead is in an isolated location. All the traditional buildings remain extant.' Very recent changes in ownership now mean that the farmstead is dispersed into sperate ownership from its outbuildings, the large barn, which is also subject to development:

WD/2022/12/1246/P04 Mockbeggars change of us from agricultural to residential

Conclusion

This site is a remnant of a medieval landscape, once part of the greater forest which covered the area, before being part of a much locally wider common land system, that has been farmed for a long period, which is unusual. Close by are a number of sandstone outcrops, Budletts Rocks and the rock structure within the warren where there is W11 graffiti. The presence of the sandstone outcrops and possibility of prehistoric activity was not acknowledged in the Heritage Statement. The Heritage Assessment adequately covers the period since 1841 with reference to the Tithe Maps and later Ordnance Survey Maps.

The Heritage Assessment Report for the planning application concludes that the proposed development would have a negligible impact on the wider rural setting of the listed building of Budletts House, on the grounds that the application site is not seen from other built heritage assets. However, this is not true of the impact it would have on the historic landscape setting which they have not correctly assessed, very possibly because it is not immediately obvious.

The applicant has acknowledged that the site is within the National Character Area NCA122- High Weald. Described as having a dispersed settlement pattern of hamlets and scattered farmsteads with small and medium sized irregular shaped fields enclosed by a network of hedgerows and woodland shaws typically used for livestock grazing.

Buxted Parish Council would tend to disagree with their interpretation of Historic England Guidance and have poorly understood the historic development of this landscape, as there is a continuity of farming on what was once common land, which is nationally rare, and is likely to date from the medieval period. This land

is also a remnant of the wider Buxted Park Estate, was the barn at Mockbeggars built as part of the London Road stagecoach facilities with the original part of Mockbeggars Farmhouse being a coach house? Otherwise, it is a very large barn with double height doors, facing the road that would have would have served a very small-farmed landscape. A road pre-dating 1778 crossed in front of both the house and the barn, coming north from Coopers Green and south to Ringles Cross and was part of the earlier Maresfield/Buxted Parish boundary.

What seems to have been ignored is the complicated topography of the site, this being an area where the Ardingly sandstone outcrops, as within the Warren, to the north and Budletts Rocks to the north-east. There is a ridge line which trends just off N-S, roughly following the road to Coopers Green within the top field of the proposed development before this ridge turns east. This has the effect of the houses along the road to Coopers Green being lower than the proposed development. Westwards the top field slopes steeply down to the London Road, overwhelming the original buildings of Mockbeggars Farm. This development, whilst possibly not overpoweringly visible at the height of summer will be visible in winter from Spring Cottage and the fields westwards. It will certainly be visible when the hedge line is lowered that front the London Road, most especially opposite Paygate wood where the entrance to the developed is located.

Amongst the concerns from the many letters of objection are hydrological ones and the concerned knock-on effect for the ecology westwards to Malling Budletts Common and eventually to the Ouse at Shortbridge, this subject being comprehensively covered by others with local knowledge, of hitherto unmapped ecological assets. What has not been addressed is the complicated topography with evidence of flooding in the field, eastwards above the houses, Highdown and Hindover along the Coopers Cross Road.

At Mockbeggars Farm there is a cellar, to the north side of the house in which is a sump, the level of the water on the 6th of July 2022 was at ground level. The water is channelled around the side of the cellar and flows in a concreted channel out of the cellar through the adjacent original meal house and down the hill in the direction of the London Road and Spring Cottage.

Effect on Buxted

This possible development is close to Buxted, and Five Ashdown and Buxted Parish Council are concerned about the inevitable impact this will have on Buxted in particular. This is not addressed in the planning application. The residents inevitably could gravitate to Buxted for schooling, the doctor’s surgery and Buxted Station. There being a shortage of spaces at Bonners, Maresfield. Whether the school and surgery have room for an increased capacity is not for the parish to investigate but the effect on extra traffic at school times and general parking within the village would be considerable and is a concern for the parish council.

We, therefore, ask the planning authority to look at the effect increased traffic movement, in, out and round the school and would also request asking for developer led funding to provide funds for a car park at Buxted, if the land is

possible to find. We have had an approach from a resident, but this was previously discounted on cost to the parish council.
We are also mindful of the large number of objections which cover a diverse range of topics from road safety, water runoff, the many and various ecological factors, and many other legitimate concerns. Not to mention the loss of privacy and impact on the immediate neighbours.

Objection

We, therefore, object to this outline planning application for a number of reasons:

1. The impact on the historic landscape which has been not well understood.
2. Loss of privacy and light pollution for the present and future inhabitants of Mockbeggars Farm and Barn. As the development would tower above them on the uphill slope.
3. Loss of privacy and light pollution for the inhabitants of properties in Ringles Cross to the north and northwest as these properties would not only look down on the new development but are also faced with some properties being on the ridge line.
4. Concerns about the inadequate investigations on the hydrological effects that a development would have on the site, leading to flooding of properties, to land and the consequential environmental harm.
5. Concerns about how much of the new development would be seen in the current landscape when viewed from the east from Malling Budletts and the London Road. Further investigation from the developers is required.
6. The detrimental effect that it would have on the present-day environs of Buxted with the inevitable increase in traffic movements.
7. The fields in which the development is planned provides a green corridor link from Views Wood, in the east, to Malling Budletts Common to the west.
8. The development is totally out of keeping with the current built environment and is outside the development boundary, on these grounds, BPC has recently refused all other applications in the area.

Officer note the Buxted Parish Council response includes the documents referred to by the bracketed numbers within the text, these pictures/detail can be viewed via https://planning.wealden.gov.uk/plandisp.aspx?recno=157263&AspxAutoDetectCookieSupport=1

Uckfield Town Council

Summary *- two responses (received 8 December 2022 and 8 June 2022) -* ***OBJECTION***

Members discussed the application at length, with the following points noted within their deliberations. They:

- Felt development would be detrimental to the character and environment of north of the town and lied in the buffer zone, only one mile from an area

designated as an Area of Outstanding Natural Beauty. This area needed to form a Conservation area;

- Cited strong objections on ecological grounds;
- Raised concern with the removal of parking from outside the cottages at Ringles Cross and within the lay-by at Budletts common opposite Chichester Caravans as it would cause numerous issues -
    - Lay-by: Parking from the businesses may extend onto the carriage way and or pavements in other areas. It may result in the bus stop area being misused thus restricting access for buses;
    - The removal of parking outside the cottages at Ringles Cross junction would deprive residents from parking outside their own properties, where many do not have property frontages;
    - Parking could not be forced into the pub car park – the landlord had already advised of restrictions to protect their business;
    - Vehicles could not park in Snatts Road as the London Road/Snatts Road junction was already dangerous. With Parking right up to the junction, this would cause access issues for the private road just beyond the junction on Snatts Road.

- Raised concerns with the proposed addition of more bus stops questioning how the proposed bus stop could affect the agreed visibility splays for the recently approved access point and dropped kerb for Spring Cottage. It was thought doubtful that any bus company would find more stops viable so close together and bearing in mind that the bus service; 729/29 services were lauded as a limited stop service. It was also questioned where the money would come from for the bus service, with subsidies for bus services being withdrawn;
- Raised concerns that the reduction to 40 MPH, 150metres beyond the proposed entrance was not far enough and felt that it should be increased up to the roundabout;
- Raised concerns for the safety of road users and pedestrians in London Road where dangerous overtaking at high speed and speeding already occurred. Members would call for the introduction of no overtaking in this major road from the Ringles Cross pub to Budletts roundabout;
- Would like to see correspondence between Highways and DHA regarding this matter regarding safety and legality;
- Raised concerns that the visibility splays relied on the boundary lines of the private property at Ringles Cross. The visibility splays for the new access point relied on what was assumed to be the boundary lines of the properties further south of the access point being kept clear. This might need to be considered when confirming calculations;
- Requested the need for a response from Highways regarding the geological aspect and surface water run off of the site;
- Raised concerns that the development would merge the settlements of Maresfield with Uckfield and that this development being located in Buxted Parish would see homeowners depend on Uckfield's infrastructure, which was already close to breaking point in terms of capacity;
- Raised concerns that the development would create isolated communities due to the distance of the development from the main town, especially for those that did not drive;

- noted that ES Highways were not fully supportive of the development traffic proposals;
- Felt the parked cars at Ringles Cross provided a natural form of traffic calming;
- Felt this additional report and application sought to take too much away from existing local residents and would bring extra stress to Buxted and their railway station parking and health service(s);
- Felt that developments should enhance and enhance the existing communities, not take them away as would be seen with this proposal;
- Would request that Wealden District Council be instructed to carry out a TRO/ consultation before this application were presented to Wealden District Council's Planning Committee North and that notice be given to all residents and business users of London Road, half way along Coopers Green Road, Snatts Road up to Clairemont Rise. Members rejected the idea that the residents' objections would be minimal;
- Raised concerns again for pedestrian safety as even with the hedge cut back the footpath would not be wide enough for a mobility scooter. It was believed that the hedge was on private land and the land owner might not wish to cut the hedge back as it also offered privacy;
- Would consider the proposal against NPPF section 9/104c.
  In section 1.3 of their report, it stated that the site was visited by the audit team on the 13th October between 10.45 and 11.25am. This was only 40 mins. According to Sustrans drawing number 20204 U SD MAP 00 01 dated 18/4/2018 London Road is on the 5/10 thousand car movements per day. Therefore 40 mins to access this point would have to be considered as pointless. It took 6m to walk from Chichester Caravans to the Ringles Cross pub and would also question at what points they visited to write this report and have time to gain sufficient data;
  Item 3.1 raised concern regarding the site being two metres higher than London Road and they would like to see the Highways response regarding their proposals, along with how this would affect the geological aspects of this site and surface water run off.

It was RESOLVED to STRONGLY OBJECT to the application on the following grounds, as given in our Minutes of the 30th May 2022, RESOLUTION 06.05.22 as this development would:

- Fall outside of the Uckfield development boundary;
- Double the number of properties in this northern triangle between the hamlets and villages of Maresfield, Five Ash Down, Buxted and Uckfield;
- Fail to satisfy Wealden District Council's Environment Policy EN17 Chapter 4 and risk the protection of countryside gaps between existing settlements; creating a continuation of urban creep between Uckfield into Five Ash Down;
- Fail to provide safe vehicular access onto London Road - a road with an accident record, fast-moving traffic at the national speed limit and concerns raised by ES Highways in response to application WD/2021/2976/F in respect of visibility;
- Fail to provide safe pedestrian access to nearby amenities and schools;

- Fail to satisfy the housing need requirements identified for this area, and requirement by Wealden DC to provide 1 bed housing units;
- Be contrary to the NPPF Section 2's ecological, social and environmental objectives;
- Severely impact an important green corridor linking Buxted Park SSSI, Budletts Common, Paygate Wood, Downlands, Lake Wood, Butchers Wood and West Park Local Nature Reserve – therefore contrary to NPPF 180;
- Severely impact the local ecology which incorporated habitats of county importance, critical natural capital, and BAP Priority, therefore conflicting with NPPF 15, Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and Wealden DC's Adopted Local Plan 1998 EN15 and 16. Further detailed assessments and mapping would be required to understand the potential harm to the various species of wildlife including bat species, rare acid grassland, Sussex rare wet grassland, and ancient wet woodland in this area;
- Risk the biodiversity of the Ashdown Forest, due to its close proximity and potential increased use by householders and High Weald Characteristics (NCA 122), as referenced in Wealden DC's Adopted Local Plan 1998 EN6 and EN15 and Core Strategy 2013 Policy WCS12 Biodiversity;
- Pose a risk to the local watercourses, and in particular the Water Framework Directive attached to Shortbridge Stream as considered in Wealden DC's Adopted Local Plan 1998 EN1;
- Pose a risk to surface water drainage and flood risk to nearby properties and London Road;
-

Additionally to those reasons given for objection above, members would add that:

- The additional transport information provided for discussion raised more problems than it would solve for the application;
- Wealden DC be requested to take into account as a material planning consideration in objection to this application the two documents below, particularly noting in regard to the Appeal decision for Mill House Farm point no. 27, point no. 52 and point no. 68 which applied to this application;
  (1) Appeal decision for Mill House Farm, Maresfield (Appeal Ref:APP/C1435/W/22/3292552) and;
  (2) Transport Report for WD/2022/2216/MAO HORSTEDPOND FARM, LEWES ROAD, LITTLE HORSTED, TN22 5TR.

Appeal Decision for Mill House Farm Maresfield
Point no.27.

Overall, there are a combination of factors that lead me to find that the proposal would fail to relate well to its surroundings and would have a harmful impact upon the rural character and appearance of the area. It follows that it would not enhance its surroundings and would fall short of advice in the NDG. Furthermore, it would fail to be sympathetic to local character and history, Appeal Decision APP/C1435/W/22/3292552 https://www.gov.uk/planning-inspectorate 6 including

the surrounding built environment and landscape setting contrary to paragraph 130c) of the Framework.

Point no.52.

Recent caselaw requires the decision maker, when considering the effect that a proposal may have on European Sites, to consider mitigation within an Appropriate Assessment. In the absence of mitigation measures and using a precautionary approach, given the proximity of the appeal site to the European habitat site, it is reasonable to suppose that residents of the development would potentially visit it for recreational purposes. Intensification of such activities would be likely to cause disturbance to the bird populations and their habitats. I am required under the Regulations to consider the effect of the proposal both individually and in combination with other projects. As such, there is a risk of a significant effect on the internationally important interest features of the SPA.

Point no. 68

However, I am not persuaded that the proposal would secure good accessibility to public transport links for pedestrians, nor address inadequacies in footway and crossing provision at and near the intended access onto London Road. This would conflict with paragraph 110 of the Framework, and the consequent conflict with the development plan policy in this regard attracts full weight.

Response to the Parish Council and Town Council

Officers have considered the comments of the Parish and Town Council. The development will be viable in the landscape, however any harm has to be weighed in the planning balance. The provision of parking spaces has been assessed by the highway authority (along with highway safety and capacity), and is considered acceptable, currently parking occurs on the road, pavement and verge not in parking spaces. The historical connections of the site have been considered by officers, however it is apparent that by way of modern development the connections with the wider landscape have been lost. The development of the site would not have an adverse effect upon the settings of designated heritage assets. The development would allow improved connectivity between Round Wood and the wider network of woodland, there are no objections from the Councils Biodiversity Officer. The Lead Local Flood Authority have considered the flood risk and do not raise objections. The suggested conditions would enable suitable testing and or construction of surface water drainage for the scheme. The development would contribute to the Community Infrastructure Levy that would be available to improve/develop local services. This outline proposal, if consented would enable the development of a scheme that would meet the requirements of saved policy EN27 in regards to neighbouring property amenity.

Other third party responses (including local residents)

Notifications of OBJECTION to the application received from 46 households who raise the following issues:

For: Planning Committee North
Date: 15 June 2023

Principle/Infrastructure

- Site is outside the development boundary, in an unsustainable location.
- This is a greenfield site and should not be developed. New homes should be built on brownfield land.
- Coopers Green is a semi-rural hamlet – 60 houses would completely change nature of area.
- Application should be viewed in context with other current housing proposals in the area of Coopers Green and Five Ash Down – along with adjacent barn conversion.
- Proposal would lead to urban sprawl/creep.
- Loss of significant countryside gap between Ringles Cross area of Uckfield and village settlements to the north. Policy seeks to prevent coalescence of settlements.
- Government housing targets are unrealistically high.
- No available figures for actual housing need generated by local population.
- Incoming residents will find it difficult to find work locally and have to commute to other centres.
- Already large development taking place. With uptake of newly built properties in Uckfield being slow, this development is not needed.
- Infrastructure of Uckfield under heavy pressure - schools, doctors, dentists, shops, road, parking, drainage/sewerage facilities, care for elderly and facilities for young. Cannot cope with existing population, yet more development.
- Site is over 1km from limited facilities in Maresfield and Five Ash Down, and even further from the more extensive facilities in central Uckfield – in excess of the IHT guidance.
- Bus service is infrequent and there is no bus stop for services towards Uckfield.
- Pedestrian route to Maresfield primary school is hazardous.
- No safe cycling routes in area.
- Residents would be over-reliant on private motor transport.
- Site is unsuitable for development due to contaminants from former landfill use.
- Existing drainage issues will be exacerbated. No mains sewer available. Proposed foul water infrastructure problematic.
- Covid has shown that people can work from home - living in the South East is no longer necessary.
- Would set precedent for further planning applications and infill builds.
- Proposal is similar in location and impact to refused applications WD/2020/1088/MAO and WD/2021/1068/MAO – Council should be consistent.
- Submitted plans fail to demonstrate that site would be capable of accommodating quantum of development proposed.
- Inadequate supporting documents.
- Inaccuracies in submissions.

For: Planning Committee North
Date: 15 June 2023

Highways

- Proposal would result in substantial increase in local traffic.
- Uckfield High Street is already jammed at peak times.
- Entrance is onto fast, derestricted road where speed limit is not observed. There have been a number of serious road accidents in recent years. Development would increase traffic hazards.
- Site access would have sub-standard visibility due to retained vegetation and lack of a verge.
- No pavement on east side of London Road, nor is there room for one.
- Tandem parking rarely works in practice - will result in cars being parked elsewhere through housing estate.

Environmental

- Encroachment into countryside resulting in an urbanising effect – detrimental to rural, open character of area.
- Proposed housing completely out of keeping with surrounding area – density much higher and estate housing out of character with existing ribbon development. Development would irreversibly change character of this part of the village.
- Loss of green space/fields and amenity they afford. Part of well-preserved medieval landscape.
- Farmland should be safeguarded for food and power production.
- Baseline ecological value of the site not identified.
- Site supports diverse flora and fauna – development would result in irreversible loss of habitat.
- Loss of wildlife corridor between Buxted Park and Downlands Farm.
- Evidence of species not identified in reports, including owls, European eels and rare grasses/mosses.
- Pond and surrounding wet area just beyond north-west site boundary could be home to great crested newts.
- Coopers Green does not currently have street lighting. Even low level lighting would be out of keeping with rural area – and have detrimental effect on habitat of bats and other wild animals. Loss of dark skies.
- Impacts to biodiversity from noise, domestic lighting, vehicular traffic and household animals.
- Site is located within 7km of Ashdown Forest SSSI, SAC and SPA and close to Buxted Park SSSI. Budletts Common also qualifies as a Local Wildlife Site as it is of County Importance in terms of UK BAP Priority Habitats and Species. Negative impacts on environmentally sensitive and important sites must be considered.
- Site is closer to Ashdown Forest than Uckfield SANGS which is at capacity.
- Severe impact to ancient woodlands - excluded from BNG assessment.
- Impact on mature trees and hedgerow on the site - some already destroyed.
- Site access could only be made safer by removing substantial sections of boundary vegetation – this would open the development up to view.

- Damage to ancient right of way.
- Topography of site is incorrectly shown - land rises in middle which leads to flooding.
- Development will exacerbate localised surface water flooding.
- Changes in ground/surface water flows/quality will impact fragile ecosystems.
- Increased air pollution from vehicle emissions.
- Impacts to historic landscape, heritage assets and archaeology not properly assessed.

Social

- Development too close to existing properties and elevated - potential for overlooking/loss of privacy and impact on outlook. Screening would have to be mature to be effective and might be removed in future.
- Screening buffer shown on plans includes land privately owned by households to east of site.
- Loss of amenity and tranquillity.
- Layout should be altered to distance access road and fitness trail from existing gardens.
- Noise and disturbance from vehicles and headlights accessing new development.
- Detrimental to local community.
- Disturbance during construction phase from traffic, parking, noise, dirt and dust.
- Impact on mental health and wellbeing of existing residents.
- Development would be insular - new residents would be isolated from rest of local community.
- Applicant's neighbourhood consultation questionnaire was poor and skewed.

2. Other Relevant Responses/Issues

East Sussex Fire and Rescue Service

Summary *- one response (received 6 May 2022) -* ***NO OBJECTION***

If this application receives approval the Developer will need to ensure there is sufficient water for firefighting. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early discussions with the Fire Service is recommended.

WDC Drainage Engineer

Summary *- one response (received 16 May 2022) -* ***NO OBJECTION subject to conditions.***

For: Planning Committee North
Date: 15 June 2023

Flood Risk

The site lies wholly within EA Flood Zone 1 so the sequential test is met and the exception test is not required for this site. The site does not appear to be at risk from tidal, sea or fluvial flooding or from failure of a drainage asset such as a canal or reservoir. The site is at very low risk of flooding from surface water apart from a low risk flowpath across the southern part of the site. There is no reliable site-specific information on groundwater.

There are no ponds or watercourses shown on the EA mapping within the application site. The nearest ordinary watercourses shown on the EA Flood Map rise on the opposite side of London Road to the application site and flow south-westwards. There is a pond just north of the application site. However, the Flood Risk Assessment (Appendix D) describes a ditch dividing the two parts of the site and an existing drainage system both open and piped in the area to the north-east of the site.

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

The Geological Map states that the site is on the Ardingly Sandstone Member of sandstones.

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 and the underlying mapped geology of the site suggests that this is possible solution for this site.

Two different surface water proposals have been put forward for this site. The first option is to use infiltration both from the base of the permeable paving and from two infiltration basins. No on-site testing to BRE Digest 365 has occurred to establish the actual infiltration rates (if any) to confirm this. This solution will also require groundwater monitoring for the winter season (6 months) to show that a 1.0m vertical separation can be achieved between the base of the soakage features and the highest groundwater level recorded.

The second option is to use the same permeable paving accompanied by swales as a cleansing and storage device with the water then draining to two attenuation ponds. From these ponds, water drains via hydrobrakes to the private drainage system to the north-east of the site and eventually to the ordinary watercourse on the west of London Road. The private drainage system is stated to be in the same ownership as the site (paragraph 2.10), despite not being outlined in blue on the site plan. There is no information as to the condition and size of this private system and as to whether it has the capacity to deal with the proposed flows from the site. In this option, the ponds can be lined against groundwater if required.

The calculations with this report for the infiltration option are purely theoretical and will need to eventually be replaced with the real site values from the infiltration testing to BRE Digest 365. In considering either of 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 40% climate change.

I note that the maintenance activities for the surface water drainage system are to be undertaken by a site management company to be set up by the site owner. The maintenance plan will be required when the drainage design is finalised and before first occupation.

Notes

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

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

Conclusion

In my opinion, the information provided within this application is adequate for this application subject to the caveats mentioned above. I am unsure at what stage of the planning process a decision must be made on which surface water drainage solution to use.

Should you be minded to allow planning permission, I would wish to see the following conditions applied namely:-.

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

The submitted details shall include the following:

i. Supply detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features (both options).
ii. 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 (both options).
iii. Supply full hydraulic calculations to the correct level of climate change (40%), to the satisfaction of the Lead Local Flood Authority using infiltration rates based on site specific testing (both options).
iv. Provide evidence by means of site specific testing during the 6 month winter period that groundwater levels are such that a 1.0m vertical

separation can be achieved between the base of any infiltration devices and the highest groundwater level measured (option 1).

v. Provide evidence by means of a CCTV survey or similar that the receiving private watercourses and pipework are in sufficient condition to receive the calculated flows (option 2).

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

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

WDC Waste Management

Summary *- one response (received 17 May 2022) -* ***NO OBJECTION***

I have no objection to the proposed development; however, the following points need to be considered:

Each dwelling should have adequate storage for 1 x 180 litre refuse bins and 1 x 240 litre recycling bin.

Residents may also subscribe to the garden waste service for either a 140 or 240 litre garden waste bin (subscription charge started July 2019).

Details on the size of these bins/containers can be found at the following address. https://www.wealden.gov.uk/recycling-and-waste/recycling-and-waste-collection-container-size/

Residents will be required to move the bins from a storage point within the boundary of the property, to a suitable collection point on the scheduled collection day.

At present, swept path analysis has only been provided to show the access into the site (which is suitable).

Before I could fully comment, I would require swept path analysis to be provided showing all junctions and turning heads around the site are suitable for a collection vehicle up to 12m in length. At present from the indicative layout, one area of concern would be where parking spaces are located at the turning head. If people have not parked correctly within the space or feel that they could park a vehicle outside of the allocated space then this would impact on a collection vehicle being able to turn at that location.

There are also several properties (plots 4, 5, 6, 21 and 22) where they are not located adjacent to the road and it is unclear where a presentation point would be for each property. The best way to show where a collection vehicle is expected to gain access to and where storage/presentation points are considered to be is by providing a waste strategy.

This helps understand the storage and presentation location for each property. In addition, this will show the resident walk (maximum 30m) and crew walk (maximum 25m) for each property based where the vehicle can access. In the example below, plots 41 to 43 would present at a bin presentation point, which is within 25 metres of where the collection vehicle stops outside of plot 40. Plots 38-40 present at the fronts of their property, either on the edge of their driveway or on the pavement.



NatureSpace

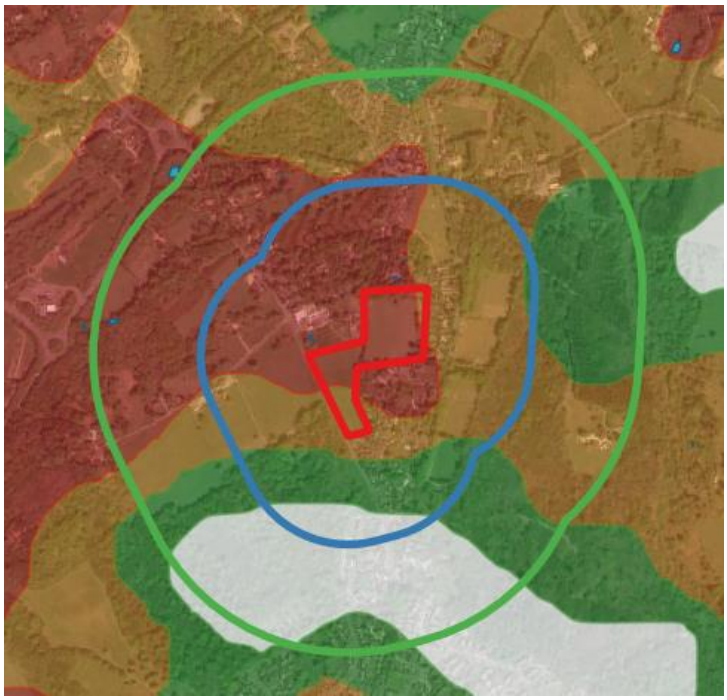
Summary *- one response (received 24 May 2022) -* ***NO OBJECTION***

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 suitable habitat and a high likelihood of great crested newt presence.

- There is one pond 75m north and one more within 250m of the development site.

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

For: Planning Committee North
Date: 15 June 2023



The applicant has provided an ecological report, [Preliminary Ecological Appraisal, aspect ecology, January 2022]. Within this report it states that:

'Two ponds are recorded on OS mapping within 250m of the site (P1 and P2 on Plan 6212/GCN). An initial appraisal of pond P1 was made using the HSI system to identify potential suitability to support Great Crested Newt, see Table 5.4, below. Access was not granted to pond P2. From a review of aerial mapping pond P2 appears to be an ornamental pond located to the front of a residential property with a hardstanding surround, although in close proximity to vegetation.

Pond P1 is located approximately 30m from the site boundary within an area of long sward grass and scattered trees and has 'good' suitability for Great Crested Newt. As such an eDNA survey was completed of the pond in June 2021, which returned a negative result.

Great Crested Newt were found to be absent from pond P1 and no records of this species within close proximity of the site were returned from the data search, therefore no licensing is required. However, as access was not granted to pond P2 precautionary safeguards will be implemented during site clearance to safeguard any amphibians that may be present, as detailed in Chapter 6 below.'

Conclusion and recommendation for conditions:

I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

I am satisfied with this ecological report and recommend a compliance condition is used to secure the measures are complied with:

"The development hereby approved shall be implemented strictly in accordance with the recommendations stated in section [6.1.11] of the supporting document [Preliminary Ecological Appraisal, aspect ecology, January 2022].

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy WCS12 Biodiversity of the Wealden District Core Strategy Local Plan (2013), paragraphs 174 and 180 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

However, the application site lies within a red impact zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, I recommend the use of the following informative:

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

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to

protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

Lifespan of Ecological Reports and Surveys

Validity of ecological reports and surveys can become compromised overtime due to being out-of-date. CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017) states, if the age of data is between 12-18 months, "the report authors should highlight whether they consider it likely to be necessary to update surveys". If the age of the data is between 18 months to 3 years an updated survey and report will be required and anything more than 3 years old "The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated".

<u>WDC Housing Service</u>

Summary *- one response (received 27 May 2022) -* ***NO OBJECTION***

Thank you for consulting the Housing Service on this Major Outline Application. Whilst it is understood that various elements of this scheme will be decided at a later date the Housing Service would like to comment as follows.

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

Policy AFH1 of the Affordable Housing Local Delivery Plan 2016 requires a 35% affordable housing contribution. The Application acknowledges this by proposing a policy compliant 21 units of affordable housing to be provided on site.

The application acknowledges policy AFH1 of the Affordable Housing Delivery Plan 2016 regarding the tenure mix of the units and proposes 17 homes for rent and 4 shared ownership units. However there is now a requirement from the Government that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. This is a low cost

affordable home ownership product whereby homes are sold 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. This will impact on the overall tenure split and the mix would therefore be around the following:

25 % of 21 affordable homes = 5 First Homes
40% of 21 affordable homes = 8 Social Rented
23% of 21 affordable homes = 5 Affordable Rented
12% of 21 affordable homes = 3 Shared Ownership

The indicative unit breakdown of the affordable units are 12 x 2 bed houses, 8 x 3 bed houses and 1 x 4 bed house. 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 and is indicative of the need for smaller affordable units. The proposed affordable housing mix has also been included for comparison.

Size of unit	Number of applicants	Percentage of register	Proposed with application	Percentage of units proposed
1 bedroom	274	52%	0	0%
2 bedrooms	141	27%	12	57%
3 bedrooms	84	16%	8	38%
4 (+) bedrooms	31	5%	1	5%
Total	**530**		**21**	

Over half of the need on the housing register is for 1 bed properties however there has not been any provision made for 1 bed units on the scheme. We are aware that during pre-application discussions that blocks of flats were discouraged on this particular site however provision could be made through including 1 bed houses or small 1 bed maisonettes that look like houses from the outside and these may be more acceptable in planning terms. We would recommend that between 4 and 6 of the 2 bed units are swapped for 1 bed units. For affordability purposes any First Homes should be 1 or 2 bed units. We are pleased to see the inclusion of larger 3 and 4 bed units as there is a need for larger rented units and often waiting times for these properties are longer.

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

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

For: Planning Committee North
Date: 15 June 2023

WDC Conservation and Design

Summary *- one response (received 31 May 2022) -* ***NO OBJECTION***

I can confirm that I have no particular observations to make from a heritage perspective.

WDC- Rother Pollution Control

Potentially contaminated land

Farms are commercial enterprises which have sometimes involved the use of substances which may have caused localised land contamination. It is also known that this farm has occasionally had bonfires. Therefore, the full contaminated land condition is recommended.

Noise

Heat pumps
No information has been provided about the installation of air source or ground source heat pumps. Will these be integrated into the design so that a planning condition can be suggested, or will they be installed under permitted development?

For this location, Environmental Health doesn't recommend the use of permitted development for the installation of heat pumps. This is because background noise levels will drop to levels significantly below the 40dB(A) which is used in the MCS assessment. Therefore, noise problems and complaints could potentially be made by future residents if the installation of such plant isn't carefully considered at the planning stage. If such plant causes future noise problems, then there's also the danger that such plant will stop being used by residents, thereby negating its value in terms of sustainability.

Currently, due to permitted development, Environmental Health cannot recommend refusal without such information. However, a planning condition can be recommended (below). This would mean that the positioning, choice of plant and sound blocking/insulation measures for each heat pump would be considered at the design stage.

Car sales, caravan sales and workshop

It is noted that there is a commercial caravan and car sales premises to the North/West of the development. It seems that these premises are mostly associated with sales although there appears to also be a caravan workshop present. Environmental Health has checked their database and no noise complaints have been made about either premises. Therefore, due to the distance between the proposed development and these premises, Environmental Health doesn't currently require any noise assessments under BS4142.

For: Planning Committee North
Date: 15 June 2023

Traffic

The outlined development is located on a road taking traffic north out of Uckfield and which may become very busy during peak times. Therefore, a noise assessment in line with ProPG is required. This assessment should be provided before the design of the housing development is decided to ensure that, as per PPG-Noise, good acoustic design is integrated into the design early in the planning process.

The stage 1 site noise risk assessment required under ProPG should be provided at this stage before the plans have been properly finalised. Therefore, there is currently insufficient information with which to full recommendation about this proposed planning application.

Air Quality

This is a major development so it is expected that Sussex Air Guidance will be followed with respect to the provision of an air quality assessment and an air quality emissions mitigation assessment. A condition will be recommended as below.

Recommendation

Insufficient information: a Stage 1 site noise risk assessment as per ProPG is required for this development.

Conditions that will be recommended following a satisfactory stage 1 site noise risk assessment as per ProPG

Potentially Contaminated Land

CL01, CL02, CL03 and CL04 (Nb: CLR11 has been superseded by Land Contamination Risk Management at www.gov.uk).

Air Quality

Prior to commencement, the applicant shall follow Sussex Air's, Air Quality & Emissions Mitigation Guidance for Sussex (2019). As a minimum, an emissions mitigation assessment for this development shall be provided to the Local Planning Authority for approval. The emissions mitigation assessment must use the most up to date emission factors (at http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html) and outline the air quality mitigation options that will be installed during development. Mitigation options shall include, but not be limited to, the promotion of cycling and walking and the use of public transport, car clubs, low emission vehicles and the introduction of associated infrastructure.

Noise from air source/ground source heat pumps Prior to commencement, an acoustic report for the installation of heat pumps across the development site shall be submitted to the Local Authority for approval. The report shall outline schemes to reduce noise and vibration arising from each heat pump. The

schemes shall ensure that noise levels from each heat pump will match, or be lower than typical background sound levels obtained prior to development, at the nearest receptor. Neighbouring gardens shall be treated as a receptor if closer to a heat pump than a residential building. The scheme shall include the provision for post-installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority.

Biodiversity and Arboricultural Officer

Summary *- two responses (received 25 May 2023 and 30 January 2023)* ***- NO OBJECTION moving from OBJECTION***

Amended plans have been submitted which depict proposed woodland creation/bat corridor linking existing woodland parcels either side of the development (proposed indicative sketch layout plan & indicative land use parameter plan). This alleviates concerns raised related to impacts upon local ecological network, ecological connectivity and local bat populations/fragmentation of habitats.

As previously discussed, it is reasoned the development should be capable of biodiversity netgain provision onsite as per current local and national policy and will not impact nearby local wildlife site. In addition, the adjoining ancient woodland will be buffered with semi-natural habitat and now additionally native woodland planting.

No ecological objection.

Recommended conditions: External Lighting - No Floodlighting, Nature Conservation - Wildlife Management Plan and Implementation of biodiversity enhancement as in the submitted Ecological Survey Report.

Pre-Application Matters

Pre application discussions took place with Officers of the Council. As a result the quantum of growth proposed for this site has been reduced to the 60 units now proposed the principle of development at this site was considered to be acceptable.

3. Relevant Planning History

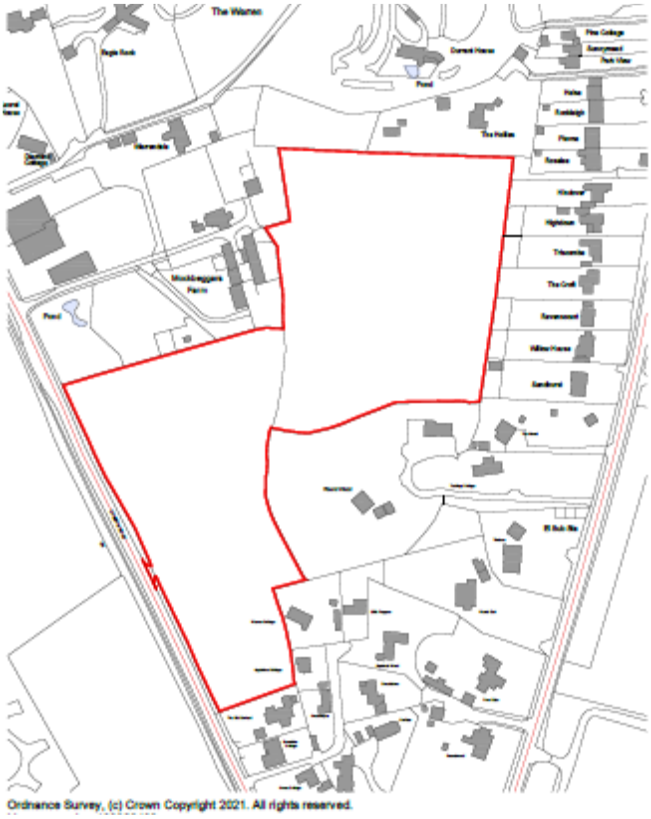
Application No.	Description	Decision and Date
WD/2010/2053/O	Development of a five pitch travellers caravan site, landscaping and access.	REFUSED 24 December 2010

For: Planning Committee North
Date: 15 June 2023

4. Details of Case

The Application Site

The site lies to the east of London Road to north of Ringles Cross. The site comprises two fields, used for pasture.



Site Location Plan

The field adjacent to London Road has residential development along the southern and eastern boundaries. A hedgerow along the southern boundary screens the ground floor of a single story property south of the site. To the east there are two story properties with windows at ground floor and first floor overlooking the site. The dwellings are close to the boundary and have post and rail fencing as a boundary.

The lay of the land in general in this field, slopes down south to north and from east to west. Beyond the residential properties flanking the western field is an area of land that is wooded, this is ancient woodland. The ancient woodland is elevated from the site and has had tree removal in parts, there is a pole barn in it. The part adjacent to the site is wooded. To the north of the ancient woodland there is a change in levels between the two fields that make up the site. The Hedgerow boundary between the two fields is set upon a raised bank roughly between two meters and one metre in height. The northern boundary in the field adjacent to London Road is formed by a stock fence but has vegetation behind it. The boundary along London Road is mature Hedgerow.

In the field set to the west of Ringles Cross Road, the land to the south of the field rises and the dwelling house to the south is, located on higher land. To the

east the rear elevations of dwellings are visible. To the north behind a dwelling is mature vegetation screening views. In the south east corner of this field long term views over vegetation are possible. The field is undulating with the lowest part near the rear of Mockbeggars Farmhouse and the higher parts to the south.

The Development Proposals

This planning application seeks outline planning permission for the erection of 60 dwellings together with a vehicular access onto London Road. With the exception of the site access, all other matters are reserved.

The application submissions detail that the proposed development would use heat pumps in a number of units (20) and where gas boilers are proposed, the units would be capable of being converted to use heat pumps. The housing mix has not been specified within the submissions, giving flexibility at reserved matters stage for officers to seek a scheme that would accord with the suggested housing mix detailed at section 10 within the Wealden Housing Need Assessment 2021.

The submissions detail that 35% of the dwellings on the site would be affordable housing in line with Policy AFH 1. The Council would now need to provide first homes as part of the 35% If approved, the development would also be required to provide 5% (three) serviced plots for self-build/custom build in accordance with Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). A s106 legal agreement would be utilised to secure these provisions if outline planning permission is granted.

The application submission was accompanied by the following documents:

- Arboricultural Development Report
- Arboricultural Survey
- Design & Access Statement
- Energy Statement
- Ecological Appraisal
- Flood Risk Assessment
- Flood Risk Assessment Appendices I to O
- Heritage Statement
- Landscape & Visual Impact Assessment
- Transport Assessment
- Transport Assessment Appendices A to S
- Transport Technical Note November 2022
- Transport Technical Note January 2023
- Transport Technical Note February 2023
- Travel Plan Statement

Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013).
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016).
- Hailsham Neighbourhood Plan Final Version 21 July 2021
- Hellingly Neighbourhood Plan July.
- Herstmonceux Parish Neighbourhood Plan Adopted July 2019.

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).

Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest.

Prior to the Court of Appeal Judgement Policy WCS12 provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation identified in this policy has now been removed. However all planning applications will continue to be subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA).

The rest of the Core Strategy is unaffected therefore remains intact as part of the adopted development plan for the purposes of this application.

Certain policies of the Wealden Local Plan (1998) have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning & Compulsory Purchase Act 2004. Annex 1 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.

Under ‘saved’ policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some ‘saved’ policies and the design guide continue to have material

weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 219 of the NPPF).

The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn. On 19th February 2020 Wealden District Council formally withdrew the Submission Wealden Local Plan 2019 following its Stage One examination process.

Relevant Policies

The National Planning Policy Framework (NPPF) in force from July 2021 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 3, 7, 8, 11, 12, 38, 48, 49, 60, 61, 62, 63, 65, 67, 68, 73, 74, 76, 92, 93, 100, 104, 106, 107, 111, 112, 114, 119, 124, 126, 130, 131, 152, 153, 154, 166, 164, 179, 175, 182, 184, 185, 189, 194, 195, 197, 199 and 203 of the NPPF.
Transitional provisions of the NPPF confirm that policies within the adopted Wealden Local Plan 1998 saved under the Planning and Compulsory Purchase Act 2004 continue to form part of the Local Plan.

- Saved Policies GD2, EN1, EN2, EN8, EN11, EN12, EN14, EN27, EN29 DC17, TR3, TR16, LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.
- Spatial Planning Objectives SPO1, SPO9, SPO10, SPO11, SPO13 and SPO14 and Policies WCS2, WCS6, WCS12, WCS13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapter 2 (Sections 1, 6 & 8), Chapter 3 (Sections 1, 2, 6, 15, and 19) and Chapter 7.

EIA and HRA

With regard to the Environmental Impact Assessment Regulations 2017(as amended), the development proposed falls within Schedule 2 category, 10(b) - urban development project. A screening opinion has not been sought. However, due to the nature and scale of the proposals, having regard to the scope of environmental issues relevant to the site, and with reference to the relevant screening criteria in Schedule 3 of the EIA regulations, the scheme is considered not to be EIA development.

The Council has engaged with the Habitats Regulations 2017 (as amended) noting the proximity of the site to the Ashdown Forest SPA and SAC, Lewes Downs SAC and Pevensey Levels SAC and Ramsar Site, and the local planning authority's role as competent authority under regulation 63 (Likely significant effect upon the designated areas). Considerations under the HRA are set out later in the report.

The Development Plan

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016. In addition, the Waste and Minerals Local Plan ((February 2013) and the Waste and Minerals Sites Plan (February 2017) were adopted by East Sussex County Council and form part of the statutory development plan, although not relevant to this particular application. Neighbourhood development plans when adopted by Wealden District Council, also form part of the statutory development plan and at the time of writing this includes the Herstmonceux Neighbourhood Plan (July 2019), Hailsham Neighbourhood Plan Final Version 21 July 2021 and the Hellingly Neighbourhood Plan (Referendum Version February 2021, again not relevant to the current application.

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

Housing Land Supply

Paragraph 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 take 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.

Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted on 18 May 2016.

The site is set around 330m north (outside) of the Uckfield development boundary within the Wealden Local Plan (1998). Officers are aware that the site is in Buxted Parish, but the site has connectivity to Uckfield (that would be enhanced if any planning permission is granted). Policies within the 1998 plan resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites) as set out in saved Policies GD2 and DC17 of the Wealden Local Plan 1998. Outside of the development boundaries, residential development is generally resisted in accordance with Policy GD2. The proposed application does not comply with any of the exception polices in the 1998 Local Plan.

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

The development boundary for Uckfield has been retained as the town has been categorised as a District Centre within the Core Strategy Local Plan 2013. Paragraph 3.6 of the Core Strategy indicates that development boundaries may be moved where housing growth indicates that it will be required which would be undertaken as part of the Site Allocations DPD. This is formalised by Policy WCS6 which advises that retained or new development boundaries will be reviewed as part of the Delivery and Site Allocations DPD as appropriate. The adopted Core Strategy Local Plan 2013 clearly accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required and also clearly identifies Uckfield as a suitable location for development. Indeed policy WCS2 indicates a growth potential for Uckfield as significant allocating at least 1000 new dwellings between 2006 and 2027. WCS 4 states that the strategic development areas are critical to the delivery of the overall strategy (at the time of writing only 950 dwellings per year)

The spatial strategy that underpinned the 2013 Core Strategy recognised the need to breach the 1998 settlement boundaries in order to deliver the housing and community needs of the town. Thus, the scheme's location outside the adopted settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

Prematurity

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

a. The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan: and

b. The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to state:

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

Taking these points in turn:

a. The scale of the development proposed for 60 dwellings is a larger scale of development. However, in this context it is not considered to be significant having regard to the fact the Core Strategy Local Plan 2013 has already considered this area as being capable of accommodating substantial levels of development.

Having regard to the above, it is considered that the development would comply with the spatial strategy of the Core Strategy in principle as referred to above in the report under Principle of Development. The new local plan will have to contemplate significantly higher housing requirements than those within the withdrawn local plan. The strategic options as to where development should be accommodated within the district will be considered as the new local plan progresses, however whether or not the site is proposed as an allocation in the new local plan, having regard to the overall quantum of housing development that will be required across the district, it is considered that having regard to test (a) under paragraph 49 of the Framework, a grant of planning permission for 60 units at the site would not undermine the plan making process for the new Local Plan by predetermining decisions about the scale, location or phasing of development that are central to it.

b. Following the withdrawal of the SWLP it is not necessary to consider test under paragraph 49 of the NPPF

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

Listed Buildings

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National Planning Policy Framework (NPPF), which at Chapter 12, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The application has been submitted with a Heritage Statement which states *'There are no nationally designated heritage assets, such as scheduled monuments and listed buildings within the area of proposed development and there will therefore be no material impact on any designated heritage assets'*, it is therefore considered that the proposed development would not affect the setting of any listed buildings or Buxted Park.

In relation to local heritage and potential non designated heritage assets, it is the view of the Council's Senior Conservation Officer (via a telephone conversation with the case officer) that existing modern development to the east, south and north of the proposed development site have already degraded the significance of the wider historic landscape (e.g. connections with Buxted park). It is their view that the proposed development would not further harm designated heritage

assets in the vicinity of the site. In relation to potential non-designated assets/local heritage, in accordance with paragraph 203 of the NPPF officers have had regard to the scale of harm and effects upon the significance of candidate local undesignated heritage assets (as yet not designated as such). Given the view of the Senior Conservation Officer that the local historical significance of the sites connectivity with other heritage assets (e.g. (Buxted park and listed buildings) has hitherto been degraded therefore, losing any historical connectivity with the wider historical landscape, the balanced judgement is that the effects upon any potential non designated heritage assets would not warrant a recommendation for refusal of planning permission.

Main Issues / Policy Issues

Highways

The Highway Authority were consulted 4 times during the consideration of this application. Initially the Highway Authority raised concerns with the proposals. The applicants have provided additional information that has enabled the Highway Authority to support the proposed development.

As specified within the NPPF 2021 (paragraph 104) transport issues need to be assessed at the earliest stages of proposed development so that the potential effects upon the existing transport network can be fully considered and that opportunities for active and sustainable transport options can be realised (as part of the proposed housing scheme). Paragraph 110 relate to the assessment of applications and seeks to ensure that appropriate opportunities to promote sustainable transport modes can be taken up (given the type of development and its location).

<u>Existing Highway Parameters</u>

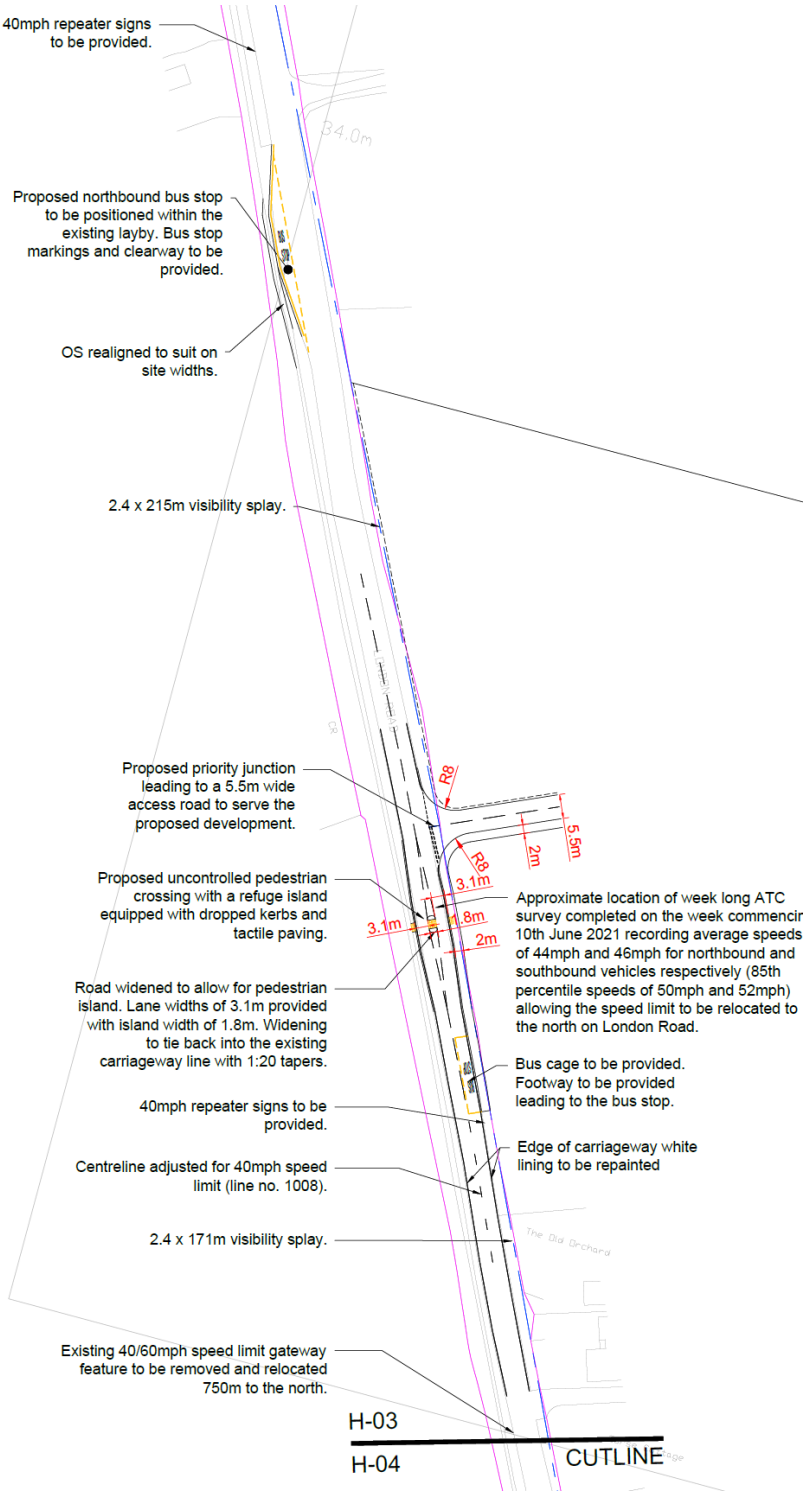
The Speed limit on London Road (C33) along the site frontage is derestricted. There is a 40mph restriction at Ringles Cross to the south of the site. The road is unlit along the site frontage.

The Highway Authority have interrogated the Police Crash Records for the past 3 years and note the 3 recorded incidents to the south of the site and 4 to the north, all were a result of driver error and not attributed to the technical aspects of the highway network.

<u>Vehicular Access/Highway Works/Accessibility</u>

The proposed vehicle access would be onto London Road and would comprise of a priority junction with 5.5m wide width, 2m wide footway on south side, 8m radii and 0.5m verge to the north side.

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Drawing 16997-H-03 Rev P3

The proposed access design (drawing 16997-H-03 Rev P3, which also details the visibility splays is included within the Transport Technical Note dated January 2023. The proposed visibility splays are 2.4 x 215+ m to the north and 2.4 x 171m to the south. The 2m wide footpath would terminate approximately 10m south of the access where a crossing point would be provided to connect to the existing footpath network on the west side of London Road. The Highway Authority comment that the gradient of the access has not been provided, going on to note that there is a levels difference between the site and London Road.

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In response to discussions between the transport representatives of the applicants and the Highway Authority, further information has been provided within Transport Technical Notes. These notes provide information in relation to:

- The extension of the 40mph speed limit to include the site frontage,
- Amended pedestrian crossing to include a refuge.
- Proposed new bus stop with carriageway bus cage markings, shelter and seating along site frontage south of the proposed access for southbound services.
- Bus stop with bus cage markings within existing layby on west side of London Road (just south of Chichester Caravans site).
- Ringles Cross - minor carriageway narrowing to 6.4m to allow footway on west side of London Road between Paygate/1 Ringles Cottage and Snatts Road junction to be improved to meet standards of between 1.9m and 2.4m in width. Parking restrictions (double yellow lines) are required to support this.
- A layby is proposed opposite properties Woodview and The Roches, sufficient for 4 vehicles.
- Snatts Road junction improvements to alignment and footway provision to provide pedestrian visibility when crossing the junction.

The Highway Authority comment that *'The visibility splay sightlines for the proposed access are 'in accordance with Design Manual for Roads and Bridges stopping sight distances, based on the observed speeds provided in the speed survey. Tracking details have been provided for a 11.97m refuse collection vehicle'.*

In relation to the wider suite of proposed highway works the Highway Authority are supportive (in principle) of the proposed extension to the 40mph speed limit up to Budletts Roundabout from Ringles Cross, subject to the provision of appropriate signage, provision of the proposed infrastucture detailed above and a dominant visual frontage to the proposed development signalling a residential landscape to road users. The Highway Authority confirm that a Traffic Regulation Order (TRO) will be necessary for speed limit proposals.

The Highway Authority acknowledge the request from Sussex Policy to extend the 30 mph speed limit further north to encompass Ringles Cottages and the section with widened footway, going on to comment 'further speed survey is likely to be required to ascertain the position'. The Highway Authority have not objected on the basis of the proposed speed limits.

The footpath (along the western side of London Road would require amendment to accommodate adults accompanying children and wheel chair users) the footway works are necessary to make the proposed development acceptable and can form part of the s278 works along with the amended pedestrian crossing proposal. The proposed bus stop arrangements (subject to any required minor alterations to the layby) are acceptable to the Highway Authority The revised pedestrian connectivity/sustainable transport links are supported by the Highway Authority and would be secured by way of s106.

The narrowing of the carriageway at Ringles Cross (to allow the footpath amendments) and alterations to the junction of Snatts Road (to provide pedestrian visibility when crossing the junction) is accepted by the Highway Authority and would form part of the 278 highway works.

The provision of the 4 parking spaces has been demonstated as suitable for the by way of parking surveys. The parking would be a short walk from the dwellings it would serve and would enable the provision of double yellow lines to be added to the highway to prevent parking.

As well as facilitating a safe vehicular access, the above measures would provide suitable access to public transport and provide connections to the exixting footpath network. The footpath network would connect the site to Uckfield Town Centre. The transport assessment at section 2.5 Accessibility states 'The area of Ringles Cross, in which the proposal site is located, offers good transportation facilities as described above. In terms of services and amenities there is a public house in close proximity, with a good range of facilities within Uckfield to the south. The nearest convenience store is only 1.1km to the south, a 14-minute walk'.

Paragraph 105 of the NPPF does acknowledge that access to services and public transport does depend on the location of development The amended highway arrangements would facilitate safe access to bus stops and the existing footpath network, providing pedestrian access to Uckfield and its associated services. As well as the physical improvements proposed the development would be subject to measures to promote sustainable travel. The Highway Authority comment that that the applicant's transport consultant has discussed measures to increase travel options for this site, and the detached position of the site from the built up area of Uckfield, a Travel Plan would be critical to supporting this development. Measures to secure a travel plan are recommend by officers.

Paragraph 110 (b) requires that safe suitable access can be achieved for all users. The physical access arrangements are considered acceptable to the Highway Authority, who have recommend both heads of terms (for a s106 agreement) and planning conditions to ensure the measures are secured.

<u>Effect of the Proposed Development upon the Highway Network</u>

The Highway Authority have considered the data specified within the submitted transport report (predicts approximately 276 trips daily) with peak times (08:00-09:00 and 17:00-18:00) generating approximately 30 vehicle movements. It is the view of the highway Authority that the development would not have a discernible effect within the peak hours on the existing highway network operations. The Highway Authority do comment that other proposals (both within the vicinity of the site and Uckfield) have not been considered within the submissions. The Highway Authority conclude that *'based on the committed development in Five Ash Down and Coopers Green Road, the impact of this development is not likely to represent a severe impact on the highway network in traffic terms'*.

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Flood Risk and Drainage

The application has been submitted with a Flood Risk Assessment (FRA) Southern Water (SW), the County Council as the Lead Local Flood Authority (LLFA) and the Council's Engineer have all been consulted on the application and do not raise objections. The Environment Agency (EA) were consulted, but did not provide a consultation response. The LLFA and WDC Drainage Engineer and Southern Water have requested planning conditions be imposed to ensure satisfactory drainage systems for foul and surface water are provided for any development proposed. The Conditions of the LLFA and WDC drainage Engineer seek details of any proposed surface water drainage system, its construction and ongoing maintenance.

Flood Risk

The application site area is greater than 1 hectare, this means a flood risk assessment (FRA) is a validation requirement. The submitted FRA at paragraph 5.3 states 'The EA publishes its Flood Map for Planning on the GOV.UK website, which shows the maximum extent of fluvial flooding. The mapping indicates that entire site is located within Flood Zone 1'. Officers have checked with the data from the Council's Strategic Flood Risk Assessment data (which includes climate change as required by the NPPF) and the site is within Flood Zone 1.

The EA Flood Risk from Surface Water map details the predicted risk for rain water (pluvial). The FRA at paragraph 5.5 details that that whilst the majority of the site is at very low risk 'There are two small and isolated overland flow paths to the south-western side of the site towards London Road and to the north-western corner of the site, at 'low' (between 1:100 and 1,000 annual probability) risk of surface water flooding'.

Groundwater flooding is discussed at paragraphs 5.9 – 5.11 of the FRA. In summary, the Wealden District Council SFRA (2017) provides a mapping of the whole borough showing the areas of groundwater concern. The SFRA states that there are large areas of Wealden that are shown to be areas of groundwater concern. The SFRA shows the proposed development site located within an area of groundwater concern.

At section 6 the FRA details that the surface water (overland flows generated within the site) will be processed through the proposed surface water drainage system which would intercept overland flows paragraph 6.6 states *'The drainage system will be designed to ensure that no flooding takes place up to and including the design rainfall event (1 in 100-year return period), with additional capacity within the system to allow for the potential future effects of climate change'.*

With reference to ground water Paragraph 6.8 of the FRA comments that 'BGS borehole records, described in Section 2 (of the FRA), indicate groundwater levels at 10m below ground level in the nearby borehole. In addition, the provision of a positive drainage system will enable any groundwater that should emerge to drain away. The FRA concludes at paragraph 6.9 that 'groundwater is

not considered to be an issue that would prevent the development of the site for its intended end use'.

Foul Drainage

The foul drainage strategy proposes to connect to a foul water rising main (via a pumping station within the site) running along London Road towards Southern Water sewers to the south of the site, as detailed on drawing CV8210667 - SK05 Rev P1 (Appendix O of the Flood Risk Assessment).

Southern Water has undertaken a desk study of the impact of the additional development upon the network. The initial study indicates that without reinforcement of the system the proposed development could lead to flood risk. Improvements will be part funded through the New Infrastructure Charge with the remainder funded through Southern Waters Capital Works Programme. Southern Water will endeavour to provide reinforcement within 24 month from the grant of planning permission (outline in this case) but in some circumstances this may need to be extended.

Southern Water state that the developer and Southern Water will need to work together in order to review if the delivery of reinforcement aligns with the proposed occupation of development.

Some dwellings could connect pending network improvements. Southern Water will carry out detailed network modelling as part of this review. The review will allow Southern Water to establish the extent of works required (if any).

Southern Water have requested that a condition is imposed on any planning permission seeking the occupation of the development to align with Southern Water delivery of network reinforcement. A planning condition is considered necessary, to ensure that the development can secure the required foul drainage solution together with any improvements needed to facilitate the connection of the development, and has been recommended by officers.

Southern Water included a plan showing the approximate location of existing infrastructure around 132m south of the site on London Road. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. The suggested condition seeking details of foul drainage would enable the location of the infrastructure to be determined.

Officers wrote to Southern Water following the Full Council Motion of the 20th July 2022 Southern Water have provided the following comments.

1. Which treatment works will be managing the sewage for the above development?

   This development is in the Uckfield Wastewater Treatment Works (WWTW) catchment.

2. Confirmation that the treatment works has sufficient capacity for the proposed development?

   Uckfield WWTW has sufficient capacity for the proposed development.

3. Has the relevant sewage treatment works experienced operational issues in the last year (i.e. unconsented discharge or other issues). If yes, please provide information and details of how the matter was resolved.

   As discussed in the meeting with Wealden on the 26th September 2022, the Future Growth Planning team are unable to respond to enquiries relating to operational issues at our WWTW's and this information would need to be obtained via our Environmental Information Request (EIR) team. This is the correct process for internal and external contacts, however, to facilitate this process we are willing, and have passed details of your consultation directly to the EIR team on your behalf and they will respond directly within 20 days from the date the request was received. This will ensure that your enquiry for environmental information is logged and managed effectively and we assure you that this is simply our process for this type of request.

   The EIR Officer did provide comments to the Council their correspondence (dated 08.11.2022) includes a table with events at Uckfield Waste water Treatment Works for 2021 (the latest data available at the time of the request (from WDC). The response confirms *'There were 5 events last year which were reviewed as "unconsented" or non-compliant. These were all due to the WWTW not reaching the permitted flow rate'*. Officer note an e-mail to the EIR team was sent on the 28.04.23 to ask for the 2022 data (said to be ready by the end of March 2023), if any details are provided before the planning committee they can be provide by way of an update.

4. Confirm that the capacity is inclusive of all committed developments that would also use the same treatment works.

   To respond to this question, it is important to clarify how we apply the Water Industry's standard methodology for predicting population growth in wastewater catchments in accordance with Ofwat requirements.

   For the seventh Asset Management Plan (AMP7), Southern Water prepared growth forecasts for each WWTW in the period 2020 to 2025 and any investment required to meet demand will be carried out in this period. The forecasts were prepared based on;

   (a) Housing trajectories provided by planning authorities,
   (b) Published five-year supplies of housing land, and
   (c) An Experian population forecast, which is derived from the Office for National Statistics (ONS) for each wastewater catchment.

   Planning is now underway for the AMP8 business plan, for investments in the period 2025 to 2030 which will also incorporate the forecasts of

WWTW catchment growth based on (a) and (b) above, as well as a new population forecast from Edge Analytics which is also based on ONS data.

In addition to the above, within each AMP, we annually update housing projections based on local authority published data to check whether this is consistent with the forecasts prepared for the business plan. Where we observe significant increase, this is fed back to the asset planners for inclusion in their design horizon calculations.

Current and future planning applications (i.e. 'committed developments') are inherently incorporated within these projections.

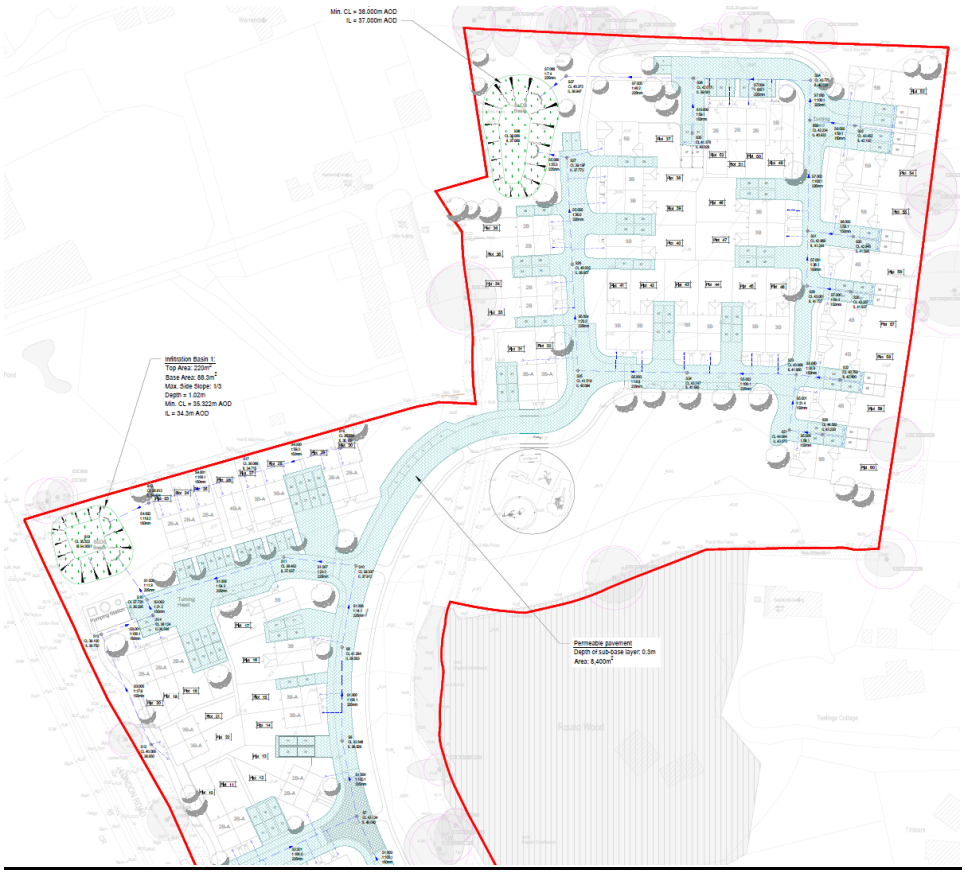
In addition to the very recent confirmation from Southern Water that there is capacity in their system at Uckfield, the suggested planning condition requires a scheme for the provision of foul drainage to be provided inclusive of any necessary infrastructure improvement works prior to the commencement of development meaning the proposed development would not lead to flood risk issues as a result of foul drainage.

Sustainable Drainage: SuDS

The FRA at paragraph 3.2 sets out that the development would create 13322 square meters of impermeable surfaces inclusive of roads and parking areas (which would utilise permeable surfaces) a 10% additional allowance for urban creep has been included within the impermeable area.

The proposed surface water strategy detailed within the submitted FRA sets out that infiltration techniques may be feasible through the bedrock (sandstone) and would be the most appropriate solution to mimic the natural drainage of the undeveloped site if this proves to be the case. An infiltration-based drainage strategy has been developed for the proposals (Option 1). Soakage tests will be undertaken on-site at the appropriate stage of the development process to verify the feasibility of infiltration techniques. The suggested condition from the LLFA states 'If Option 1 is proposed, the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365 and groundwater monitoring undertaken between autumn and spring'.

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Drawing CV8210667 - SK04/ Rev P1 (Option 1 Infiltration Proposal)

The above drawing is included at Appendix L of the Flood Risk Assessment alongside drawing CV8210667 - SK04/B Rev P1 (Attenuation Proposal)

Option 1 would provide two infiltration basins (as detailed on drawing CV8210667 - SK04/B Rev P1) that would attenuate and then discharge the surface water run off to the underlying soil strata. The main surface water drainage system will be designed to adoptable standards in accordance with Sewers for Adoption (7th Edition) to ensure a robust design. This drainage system will be designed to collect run-off from the roofs of dwellings and garages. This Water from roofs will enter the system via gutters and pipes (located beneath roads) in addition water butts could be incorporated. Water from roads and parking areas would be managed via porous paving discharging through the footprint of the paved area to the underlying strata via infiltration. The permeable paving would provide treatment for pollution prevention.

In the absence of infiltration, disposal of surface water would require discharge from the site to a watercourse. In this case the most appropriate receptor is the existing ditch and pipe network located in the adjacent farmyard to the north-west of the development site which links to Shortbridge Stream this is the alternative drainage strategy and is labelled as option 2 within the FRA.

The attenuation basins would be located in the same locations as the infiltration basins to provide storage prior to discharging into the existing pipe network (located on the adjacent farm yard). The main surface water drainage system will be designed to adoptable standards in accordance with Sewers for Adoption (7th Edition) to ensure a robust design. This drainage system will be designed to

collect run-off from the roofs of dwellings and garages, as well as the internal access road and car parking areas.

Roof water will be collected discharged directly into collectors towards the proposed surface water drain and be conveyed towards the attenuation basins, before discharging (with the outflow controlled) into the aforementioned pipe network as with option 1 Water butts could also be incorporated.

Permeable roads will drain under their own footprint into the porous subbase providing water treatment. Runoff would then be directed via collection tanks into dry swales/French drains located along roads through collection tanks, where additional water treatment will be provided. Surface water run-off from the swales will via a perforated pipe, located beneath the swale/French drain be direct to the attenuation basins.

Both options would utilise sustainable drainage techniques in accordance with the guidance described in CIRIA document C753 'The SuDs Manual' (2015) to accommodate run-off from all rainfall events up to and including the 1 in 100-year event, with a 40% allowance for climate change.

The FRA identifies that infiltration is the preferred option this is the first solution within the SuDS drainage hierarchy. The suggested conditions from the LLFA would ensure that the strata and ground water conditions (during winter months) in the vicinity of the infiltration basins is suitable for this method. The FRA includes drainage layout plans for surface water that show open water storage solutions for attenuation if infiltration is not feasible. The suggested planning conditions from the LLFA would allow both SuDS systems to be explored via detailed submissions, that would also have to demonstrate how the detailed design would manage surface water flows exceeding the capacity of the proposed surface water features safely. Paragraph 167 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. A suitable sustainable drainage system is key to meeting this aim. A detailed technical assessment of the submitted details has been undertaken by the LLFA (and the Council's Drainage Engineer). The LLFA confirm (based on the outline submissions) *'we consider that the proposals are acceptable in terms of surface water management and local flood risk at this stage. 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'.* Given the consultation process undertaken with the LLFA, the submissions have been scrutinised by experts and Members of the planning committee can be confident that the application submissions are suitable to detail the proposed surface water strategies outlined above. The suggested planning conditions specified by the LLFA have been recommended by officers because they are considered necessary to make the proposed development acceptable in planning terms.

Impact on Neighbours/Local Area/Landscape

The proposed development of the land parcel for housing, together with the associated infrastructure, would represent a significant change for nearby residents in addition to those who reside further afield within the District and

indeed beyond Wealden who may visit the area. This application has received comments from 46 households. The comments of the neighbouring properties have been carefully considered during the formulation of this recommendation. Matters raised have been discussed in other more relevant sections of this report (e.g. flood risk).

In terms of neighbouring property amenity, this application seeks outline planning permission to test the principle of residential development across the site (together with the means of access). It is considered that the proposed number of dwellings (60) can be accommodated within the site and enable acceptable levels of amenity for the adjoining residential dwellings to be provided at aby reserved matters stage (for example acceptable back to back distances of 21m). It is considered that the proposed development of 60 dwellings could be provided within the site (subject to any implications) without having a significant adverse impact upon the amenity of neighbouring residential properties around the sites boundaries.

The submitted Landscape & Visual Impact Assessment (LVIA) has been useful in the consideration of the potential effects of the proposed development upon the site and wider landscape. The document states that *'it is considered that the Site would typically be of medium / low landscape sensitivity'* reasoning this to be the case because the site is located adjacent to a settlement edge, that is influenced by the existing urbanising elements and residential built form to the south, east and partly north. Going on to note that the site itself does not include any features which elevate it above an ordinary landscape and the site itself is not assessed to be remarkable, officers concur with this assessment.

The site would not be prominent in longer terms views due to the topography of the site surroundings as well as exiting built from around parts of the site. The extent of the impact upon visual amenity would be chiefly limited to close term views from London Road where is likely that the provision of the access and associated visibility splays would result the removal of existing vegetation.

Landscaping would be a reserved matter, however, officers would seek appropriate hedgerow planting to offset the effect of the development upon the street scene. There are some longer term views possible from parts of the site, however, in any views back to the site there would be an existing back drop of residential development.

The description of development is for 60 units not 'up to', so there needs to be confidence at this stage that the site can provide the required infrastructure for 60 units. The indicative site plans do show open storage solutions for surface water drainage and a 15m landscape buffer around the ANSW is also detailed. In relation to play space because the form does not specify the mix officers have used the table on page 132 of the WDC Local Housing Needs Assessment to derive a mix (both for AH and Market).

The affordable housing mix would be six x 1 bed, eight x 2 bed, six x 3 bed and one x four bed. the market housing would be two x 1 bed twelve x 2 bed fifteen x 3 bed and ten x 4 bed. These estimated figures have been used to calculate the open space requirements which would be 387.5 (386) sqm of equipped play

space, 697.5 (698) sqm of casual and informal play space and youth adult play space would be 2635 sqm (if an offsite contribution is not acceptable/sought). The submitted (indicative) layout does show there to be space available to meet the required onsite play space requirements. In addition a fitness trial is shown that would contribute to youth and adult provision. The play space would not be situated within the required 15m buffer for the ANSW.

The site lies within the Low Weald landscape character area and Saved Policy EN8 seeks to preserve that rural landscape. The site is not considered to be remote, although it is green field land at present. The proposed quantum of growth would enable planting around the site boundaries to the north south and west that would in time mitigate the effects of the development in close and longer term views.

The proposed density would allow for any reserved matters to secure attractive groups of buildings with an attractive vernacular buildings suitable for the area. The development of the scale proposed could deliver a low key landscape dominated scheme that would be appropriate within the setting of Uckfield and would provide much needed residential development in the Low Weald that would be capable of conserving the landscape.

Trees/Hedgerows

At this stage the layout and landing proposals are not material to the consideration of this scheme. Notwithstanding this the application submissions include arboricultural information by way of an Arboricultural Survey and Arboricultural Development Report. At this stage a key consideration would be the loss of exiting vegetation that would result from the proposed development.

The Arboricultural Development Report clarifies the extent of the loss of existing vegetation at paragraph 1.5 it states *'The proposal will result in the direct loss of x7 trees, part of x1 group/hedgerow and a small section of hedgerow. Trees and hedgerows identified for removal are assessed as category 'C' and 'U' in accordance with BS5837 (2012)'.*

There are two areas where loss of vegetation cannot be avoided, one is the site access from London Road (loss of Hedgerow and 1 Ash Tree) and the other is the proposed access between the two fields (currently bounded by hedgerow in the location of the indicative pedestrian and vehicular access between the two fields). The submitted Arboricultural Survey has graded the sites boundary vegetation. The hedgerow along London Road as shown on the Tree Survey Reference Plan (Appendix 2) is labelled as H4 to the north which is categorised as C2 and H7 to the south also categorised as C2. The hedgerow between the two fields (H17) is also C2 category.

The Arboricultural Development Report details where the loss of the other 6 trees would be (albeit indicative).

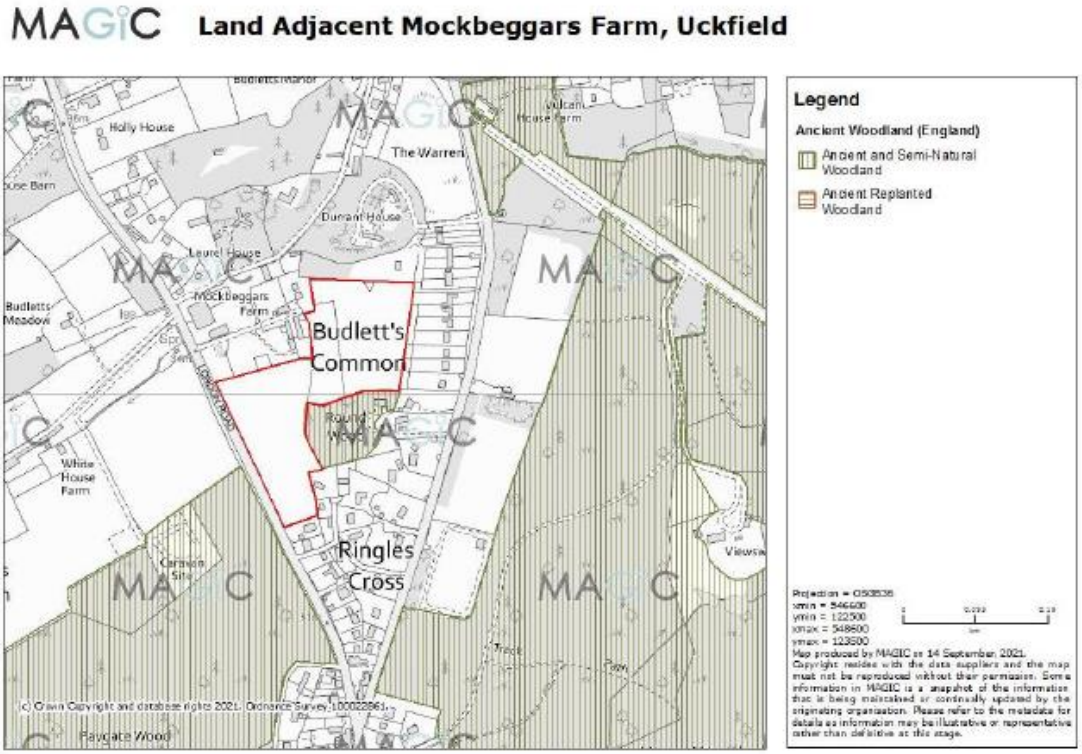
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Excerpts from Arboricultural Development Report detailing proposed tree removal.

The Arboricultural Survey details the trees as T6 Ash category U (near proposed site access), T31 Silver Birch category C2, T32 Silver Birch category C2, T33 Variegated Poplar category U, T34 Silver Birch category C1, T35 Beech category C1 and T36 Beech category C2.

The Arborcultrutal report identifies the area of woodland abutting the site (known as Round Wood) as Ancient Semi Natural Woodland (ASNW) the report includes an excerpt from MAGIC.gov.uk mapping



Magic map showing ANSW

The magic map shows other ANSW in the vicinity of the site. Round wood is elevated from the site. The indicative layout plans detail that a 15m buffer can be provided.

Any reserved matters application would need to respond to the site constants placed upon it by the retained trees. Hard and soft landscaping would be considered at reserved matters stage if outline planning permission is approved.

The scale of development proposed would enable the provision of tree lined streets in accordance with paragraph 131 of the NPPF 2021. Planted street trees would need to be set within the public realm to allow ongoing management for the lifetime of the development.

Ecology

The application was submitted with Ecological Appraisal (dated 27.01.2022). The Councils Biodiversity Officer has been consulted and their comments have been addressed by the applications resulting in the provision of an area of open space being retained in the southern area of the site. The Councils Biodiversity Officer is now able to support the proposed development. The retained area would enable connectivity of the area of ASNW within the site with areas of ANSW to the west, maintaining (and with the potential to enhance) pathways used by bat species indicated within the ecology appraisal. The suggested conditions recommended by the Councils Biodiversity Officer have been recommended they seek to control external lighting, ensure the proposed development would accord with the submitted Ecological Appraisal and a wildlife management plan to detail how the areas of land within the site identified as mitigation/habitat improvement are appropriately managed and landscaped going forward.

NatureSpace have been consulted and do not object they state *'I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. I am satisfied with this ecological report and recommend a compliance condition is used to secure the measures are complied with'* (as detailed above a condition has been recommended that would ensure any development would proceed in accordance with the recommendations/mitigation measures detailed within the Ecological Appraisal).

The submitted ecological and arboricultural survey work have been useful in the officers understanding of the site constraints. The key areas of sensitivity have been highlighted and suitable mitigation has been identified inclusive of the ability to provide a 15m buffer around the ANSW. In addition, the development would enable provision of an enriched connection between the currently isolated ANSW within the site and larger expanses of ANSW to the west which in turn would enhance habitat used by protected species. The proposed density would enable any reserved matters to enhance the retained existing planting around the site. The development would provide the opportunity for biodiversity gain.

In conclusion on this element, the site would develop a site with existing boundary vegetation and this will be retained and enhanced. The scheme would have the benefit of providing strategic level growth for the district. The development of this site has the capacity to allow for ecological enhancements in line with the NPPF at paragraphs 20 and 174.

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Agricultural Land Classification/Best and Most Versatile Land (BMV)

Officers have been requested to provide further details on the Agricultural Land Classification (ALC) for the site. Officers have provided a review of the site based on the available information at https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land where the Government has a Guide for assessing development proposals on agricultural land. It sets out that when considering proposals local planning authorities (LPAs) should aim to protect the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals.

The advice page provides detail on ALC and assessments to be undertaken by LPAs.

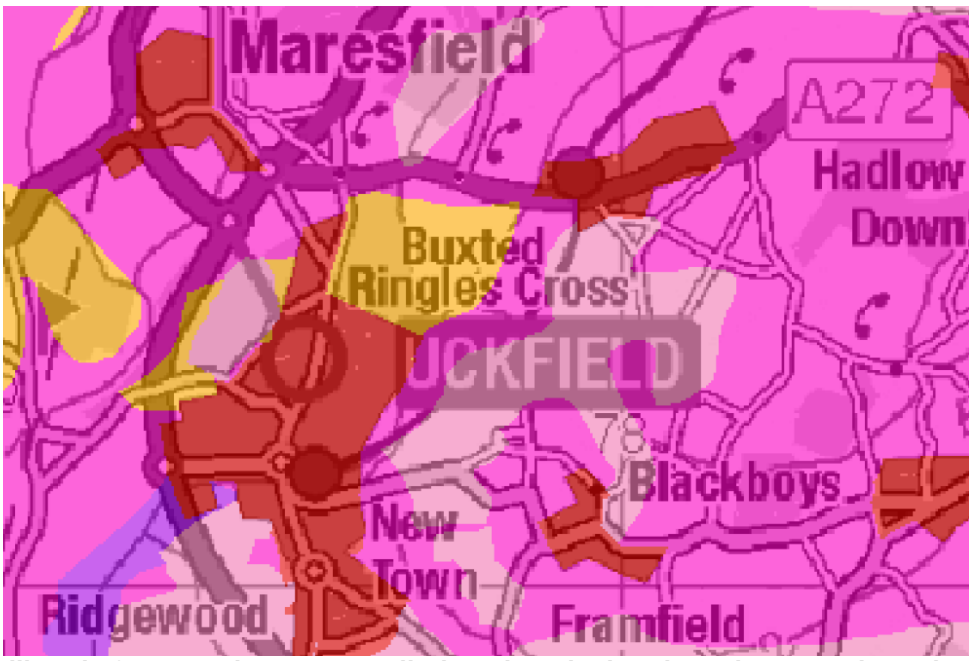
The Town and Country Planning (Development Management Procedure (England) Order) (DMPO) 2015 advises that Planning authorities must consult Natural England on all non-agricultural applications that result in the loss of more than 20 hectares (ha) of BMV land. The development site is 3.13 hectares, Natural England have not been consulted.

Officers have reviewed the Regional Agricultural Land Classification Maps (Maps showing agricultural land classifications at a regional level) for London and the South East and the site is Grade 3 (grade 3 land is not divided into subgrades 3a and 3b on the mapping) Grade 3 land is described as 'good to moderate quality agricultural land. Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2'.

Officers have reviewed the Natural England Publication Likelihood of Best and Most Versatile (BMV) Agricultural Land - Strategic scale map London and the South East and an excerpt is included below. The map shows the best available estimate of agricultural land quality at the date of compilation (2001) expressed in terms of the proportion of land likely to classified as 'best and most versatile' ('BMV') i.e. Grades 1, 2, 3a in the Defra Agricultural Land Classification (revised 1988).

The scale of the map is very large at 1:250,000. The majority of the site appears to be within a red area on the map which indicates Urban/Industrial so is not provided with a likelihood of having BMV. The northern areas of the site could be in a dark pink area on the map which indicates Moderate likelihood of BMV land (20 - 60% area bmv). Albeit indicative at this stage, the layout plan does have development in the northern area of the site that may be located in an area which has a moderate likelihood of BMV.

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Likelihood of Best and Most Versatile (BMV) Agricultural Land - Strategic scale map London and the South East

Officers have searched the Agricultural Land Classification detailed Post 1988 ALC survey page on Natural England's Website (search term Sussex). There was one result for Uckfield which has surveyed 3 land parcels, the closes being 483m west of the site. That land parcel has areas of 3b (moderate) and 4 (poor).

The ALC assessment advice comments that, if no site survey reports are available, a new detailed survey may be necessary. A survey was not submitted with the application and officers have not requested one. The available ALC data has been used to asses this smaller development (loss under 20ha) and based on the data available, the proposed development of the site would not result in the loss of ALC grade 1 or 2 and would only have a moderate likelihood of containing BMV (only grade 3a is possible). Based on the nearby assessment which only identified grade 3b and 4 land the chance of this site containing BMV is further diminished. In accordance with the ALC assessment parameters Officers do not consider that a new detailed survey is necessary.

The specifications of Paragraph 174 of the NPPF, which seeks recognition of the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land has been considered within the planning balance, it is not considered that the loss of the agricultural land at this site would constitute a reason to recommend the withholding of any planning permission. It would be possible to condition a soil report that would detail how the proposed development would manage soil displaced by any development going forward.

Custom/Self-Build

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

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

As of the 1 March 2022, there are 158 individuals on the Council's Self-Build and Custom Housebuilding Register. It is necessary to breakdown this figure having regard to the annual base period, which falls at the end of October each year after production of a legally compliant Register after 31 March 2016. For Wealden Two of these individuals were registered in the 31 March 2016 – 30 October 2016 base period, 24 of these were registered in the 31 October 2016 – 30 October 2017 base period, 24 of these were registered in the 31 October 2017 – 30 October 2018 base period, 21 applicants were registered in the 31 October 2018 – 3h October 2019 base period, 33 applicants were registered in the 31 October 2019 – 30 October 2020 base period, and 44 applicants were registered in the 31 October 2020 – 30 October 2021 and ten applicants have been registered so far in the 31 October 2021 – 30 October 2022 One association is currently enrolled on the self build and custom housebuilding register with three members.

In the period since 31 October 2016, 898 planning permissions have been granted wherein landowners have sought (and obtained) a CIL self-build exemption. In line with practice adopted by very many other LPAs, these permissions with CIL self-build exemption have been counted against the requirement of the self-build register. It would address the relevant need and as such, we have not sought to secure need on all other planning permissions considered by the committee.

There is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. The Council would therefore seek to secure 5% of the number of dwellings proposed. This would, in part, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016.

Sustainable Construction

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

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

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

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

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

The application has been submitted with an Energy Statement which states that 20 units would utilise air source heat pumps (ASHP) for heating and hot water and 40 dwellings would highly efficient condensing combi gas boiler, with underfloor heating distribution and future proofing for potential ASHP connection at a later stage. The report also outlines sustainable construction methods that would enable the proposed dwellings surpasses Part L building regulations, going an estimated 20% beyond the minimum requirement across the site. In relation to water use the report states 'The development will also exceeds the water use requirement of Part G. The specification detailed in this report outlines water use of 103.2 litres per person per day'. Officers have recommended that the energy statement be included on the approved plans condition on any planning permission granted.

In addition, a standalone planning condition has been recommended that requires the submission of details for water and energy efficiency measures and sustainable construction for approval, this would ensure that any updated requirements can be included in any proposed development.

Affordable Housing

The submissions detail that the development would provide 35% affordable housing and this would accord with the requirements of Policy AFH1 of the

Affordable Housing Delivery Local Plan. To ensure that the appropriate level and tenure of affordable housing is provided a s106 legal agreement would be necessary.

The comments of the Councils Housing Service in relation to the lack of provision of 1 bedroom units is noted however, this outline application does not include details of property sizes within the description of development and the application form sets out that the numbers of each bedroom property type is unknown. The planning statement at paragraph 3.2.1 also confirms 'As the application is submitted in outline form, the mix is not proposed to be fixed'. The housing service also refer to the requirement upon the Council to provide first homes and have set out a mix they would consider to be acceptable. Therefore, the needs of the Councils Housing Service can be secured via a s106 legal agreement (that would requires the submission and approval of a scheme for affordable housing) to ensure that the identified needs for affordable housing within the district are addressed should outline planning permission be granted.

Market Housing Mix

The Council does not have policy for market housing mix for sites outside development boundaries. However, the Wealden Local Housing Needs Assessment August 2021 does provide a suggested mix for market (as well as affordable housing mix) and indicates a clear direction of travel.
The application does not specify the mix of housing meaning officers would be able to negotiate a suitable mix of market housing for the proposed development at reserved matters stage should planning permission be granted.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Councils IDP and Regulation 123 List, in particular provision and maintenance of SANGS Strategic Access Management and Monitoring Strategy (SAMMS) demands placed on health care, library provision, waste management facilities, policing infrastructure and community safety facilities.

Regulation 70 of the Town and County Planning Act provides general considerations for the determination of applications it sets out that in dealing with an application for planning permission the authority shall have regard to any local finance considerations, so far as material to the application. Regulation 70 sets out that "local finance consideration" includes sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy. Regulation 70 is key and does make clear that CIL is relevant to this application and therefore, material to the consideration of this application by members of the planning committee. A planning condition is recommended, which would ensure the CIL amount provided by the 65% market housing would be secured by any grant of planning permission by the members of the planning committee. This

CIL funding will also help meet the demands placed on health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development.

Archaeology

Officer's note the detailed comments set out within the consultation response from ESCC Archaeology (County Archaeologist). Officer's note that the site is not within an Archaeological Notification Area, however, the County Archaeologist has reviewed the submitted archaeological desk – based assessment and it is their view that there is little information of the findings of a site visit whivch do not provide details of landscape features, also noting that that they have looked at Lidar data (readily available online) and it is evident that a former building stood within a square enclosure at the north-western corner of the northern field. Subtle earthworks are evident on LiDAR imagery which appear to correspond with this enclosure .in addition the area around the farmhouse may have interest. The comments of the County Archaeologist have not been responded to by the applicants, however officers do note that the County Archaeologist has not raised objections yet states 'The evidence suggests that any as yet unrecorded archaeological remains would likely be of no more than low local significance. I am broadly in agreement with these conclusions, but would point out that below ground evidence of the former building which is at least 18th-century in date, but was overlooked in the heritage statement may be of greater significance' the County Archaeologist has recommended that planning conditions be imposed on any planning permission granted Officer's recommend that any planning permission granted should include planning conditions, in accordance with the advice of the County Archaeologist. The proposed conditions would ensure that any planning permission granted would proceed in accordance the NPPF.

Pollution Control Comments

The Pollution Control Officer (PC Officer) notes that *'farms are commercial enterprises which have sometimes involved the use of substances which may have caused localised land contamination. It is also known that this farm has occasionally had bonfires'*. Based on their assessment of the application submissions and understating of the site the PC Officer has recommended that land contamination conditions be included on any planning permission granted. The applicants have not responded to the PC Officer comments and the original submissions did not include details that may inform about potential contamination. Given the comments of the PC Officer and the nature of the development proposed, officers consider that contaminated land conditions are recommended.

In relation to noise there are 3 areas considered within the consultation response of the PC Officer heat pumps, the caravan bushiness to the north of the site and London Road

In relation to the heat pumps it is the view of the PC Officer that permitted development rights that would be available to incumbents would not be sufficient to address potential background noise levels that in their view would drop below the 40 decibels threshold used in the required assessment (to use permitted

development rights to install heat pumps) the comments of the PC Officer are noted, however the use of air source heat pumps is proposed for this site and should be encouraged. Officers have recommend the use of a planning condition seeking the incorporation of sustainability/renewable energy measures and have included a note within that suggested condition that set the required mitigation standards to enable the use of air source heat pumps at the site.

The PC Officer does not consider that the caravan business to the north of the site would be a cause for concern (in relation to potential noise issues) for the development proposed.

The Pollution control officer considers the proximity of London Road with its likely and busyness in the AM and PM peaks may lead to noise issues at the site. They comment that a noise assessment in line with ProPG is required. This assessment should be provided before the design of the housing development is decided to ensure that, as per PPG-Noise, good acoustic design is integrated into the design early in the planning process.

The stage 1 site noise risk assessment required under ProPG should be provided at this stage before the plans have been properly finalised. Therefore, there is currently insufficient information with which to full recommendation about this proposed planning application. Officers note the view of the PC Officer. Since the submission of the PC Officers comments, dwellings near the boundary with London Road have been removed to allow for the ANSW connectivity enhancements detailed above. In addition the layout at this site would not be fixed at this stage and the quantum of growth would enable flexibility on the location of dwellings within the site. Officers consider that the use of a planning condition to ensure that any reserved matters application is submitted alongside a noise assessment would ensure that the detailed design of the proposed development is informed by the assessment at an appropriate stage of the application process.

The PC Officer has also requested that an emissions mitigation assessment which follows Sussex Air's, Air Quality & Emissions Mitigation Guidance for Sussex (2019) is provided. Officers have included a suggested condition.

Planning Balance

Planning permission is sought for 60 dwellings on this site. It is accepted that this site is set around 300 meters outside of the adopted development boundary for Uckfield, however, the Council is not able to demonstrate a five year supply of housing so the conflict with the development plan in this regard is afforded substantially less weight in the planning balance. In addition, the site would provide access for its occupants to Uckfield where there are a good range of services available including Uckfield Train Station (1.2 miles) In addition the site is 2 miles from Buxted Train Station. It is considered that the site is acceptable, in principle, for residential development. The development proposal should meet three overarching objectives of sustainable development as set out in paragraph 8 of the NPPF, an economic role, a social role and an environmental role.

The above details set out in preceding paragraphs to this section, outline that the location of the site would broadly accord with the strategy of the development plan, insofar as it can be argued the location has access to public services and public transport and would not adversely affect neighbouring property or visual amenity and is considered to be a sustainable location. Policy WCS14 of the adopted Wealden Core Strategy gives a presumption in favour of sustainable development. Officer's note that page 12 of the Wealden District Council Climate Emergency Plan (20 December 2019) states 'In addition to the spatial planning objectives, the Core Strategy provides policies relevant to the Climate Emergency Plan, including policies on sustainable development, climate change and sustainable construction. The development would therefore be in accordance with the Wealden District Council Climate Emergency Plan. As well as the acceptable 'sustainable' location, it is also acknowledged that the development would provide a relevant and valuable contribution to the Council's housing supply of all types.

Prospective occupiers would help to support the range of local facilities and services in Uckfield (accessible via a connection to the existing footpath provided along London Road). The development would have access to public transport providing sustainable transport options to reach Uckfield and further afield (via bus and trains (from Uckfield or Buxted stations). The development would contribute to the vitality of the locality and social cohesion. It would also provide short term construction jobs – economic benefits. There would also be benefits from CIL contributions that will contribute to the improvement and maintenance of the local highway network and in addition and also locally to the site, demands placed on health care, library provision, waste management facilities, policing infrastructure and community safety facilities.

The site will provide 21 units of affordable housing (inclusive of First Homes) and 3 self build/custom build plots and the introduction of open areas could provide future occupants with areas for healthy recreation. The proposed density could enable a layout that would allow preservation of biodiversity providing suitable mitigation for existing wildlife and enhancements to habitat (including the enhancement of connectivity between parcels of ANSW in the vicinity of the site), it is considered the development would help to meet all three of the criteria of paragraph 8 of the Framework namely the social, economic and environmental objectives of sustainable development.

Because the proposed development would meet, the three overarching objectives for sustainable development detailed within paragraph 8 of the NPPF the development proposals are considered sustainable by officers. Paragraph 11 of the NPPF is clear that decisions should apply a presumption in favour of sustainable development and approve development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the polices of the NPPF as a whole.

It is noted that the loss of the two fields to the proposed development would permanently change the character of the immediate area but given the proposed boundary enhancements and the existing landscape character, the change is not considered materially harmful to a degree that would constitute a reason to refuse planning permission.

The long-term management of the proposed landscape features would enable the opportunity to improve the biodiversity of the location (the submission reports detail mitigation and enhancements and planning conditions would ensure accordance with submitted detail). Through the landscape and environmental enhancement together with the ecological mitigation proposed, these factors would positively contribute to the overall sustainability of the application site. Subject to the provision of a satisfactory drainage system (which would be controlled by planning conditions), the developable area, which is located within Flood Zone 1 will not be at risk from flooding.

The current application would conserve and enhance biodiversity interests (paragraph 174 of the NPPF and policies WCS12 and WCS13 of the Core Strategy Local Plan), and would not increase flood risk elsewhere (paragraph 167 of the NPPF). On its own merits, the application meets the environmental expectations of the NPPF.

The development would affect the local landscape character and would lead to an increase in traffic on the highway network, however for the reasons set out in the officer report these effects would not be significant or severe. The site is considered as sustainably located and pedestrian access to local services and public transport would be provided. The development would boost the housing land supply of the district and these benefits are considered to significantly outweigh any harm to the character of the area or the location of the development. Planning conditions and a s106 legal agreement are considered suitable mechanisms to ensure that the development would be acceptable in planning terms. The presumption in favour of sustainable development identified in paragraph 11 is engaged and given significant weight in the planning balance.

Habitat Regulations Assessment

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

<u>Assessment of likely significant effects on the SPA</u>

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

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG)

Paragraph: 002 Reference ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. It is somewhere future residents of the home(s) proposed would likely wish to visit for recreation. Evidence in the form of visitor surveys carried out for the Council demonstrates that residents living within 7km of the Ashdown Forest are likely to visit it. This would provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Due to the small scale of the proposed development there is no scope to provide on-site mitigation for the impacts on the SPA. Thus, it is necessary to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with the tariffs in the Council's Ashdown Forest Mitigation Zone Background Paper. This is an approach supported by Natural England (NE).

The contributions would be used to improve the visitor experience at the nearby strategic SANG in order to displace recreational trips away from the SPA. There is capacity at the strategic SANG to accommodate the recreational trips that would arise from the application scheme. The contribution towards SAMM would be used to monitor and limit recreational disturbance at the SPA.

The mitigation would help support an alternative recreational destination for residents of the scheme and assist in managing the SPA in a favourable condition as a habitat for Dartford warbler and European nightjar. The mitigation would ensure the proposal would not adversely affect the integrity of the SPA, as its condition need not deteriorate as a result of the application.

The contributions would be directly related to the impacts of the proposal on the SPA and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy. Accordingly, the contributions towards SANG and SAMM are obligations that can be taken into account

In conclusion, subject to the mitigation discussed above and secured through the planning obligation, the scheme would not adversely affect the integrity of the SPA in view of the site's conservation objectives. Accordingly, the proposal would not be at odds with Policy WCS12 of the Wealden District Council's Core

Strategy and saved Policies EN1, EN7 and EN15 of the Wealden Local Plan (1998).

Assessment of likely significant effects on the SAC

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

NE's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway to the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

The Council had proposed a new Local Plan to 2028 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. Considering the effects of that quantum of growth, NE is satisfied that will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

For the reasons set out above it is considered that when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the SAC protected European Sites. It is also considerably less that the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of a failed duty to cooperate.

5. Conclusion

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

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

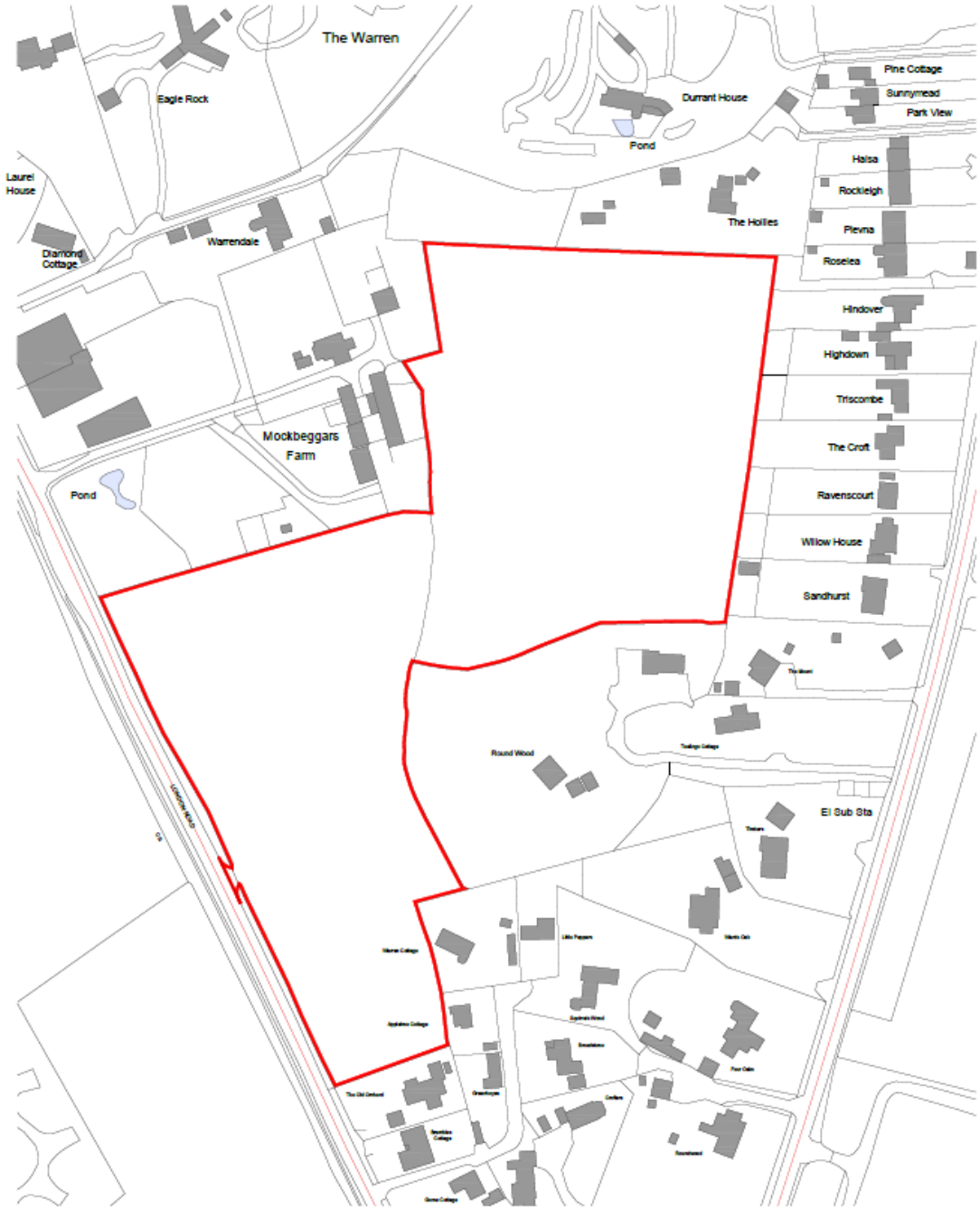
Whilst the development is in conflict with Policies GD2 and DC17 which restricts development in the countryside, material considerations which weigh heavily in favour of the development are the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and meet the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

It is noted that the site is suitable for residential development and having regard to the planning balance and the considerations set out in the main body of the report, it is recommended that the application is APPROVED subject a S106 Agreement and planning conditions.

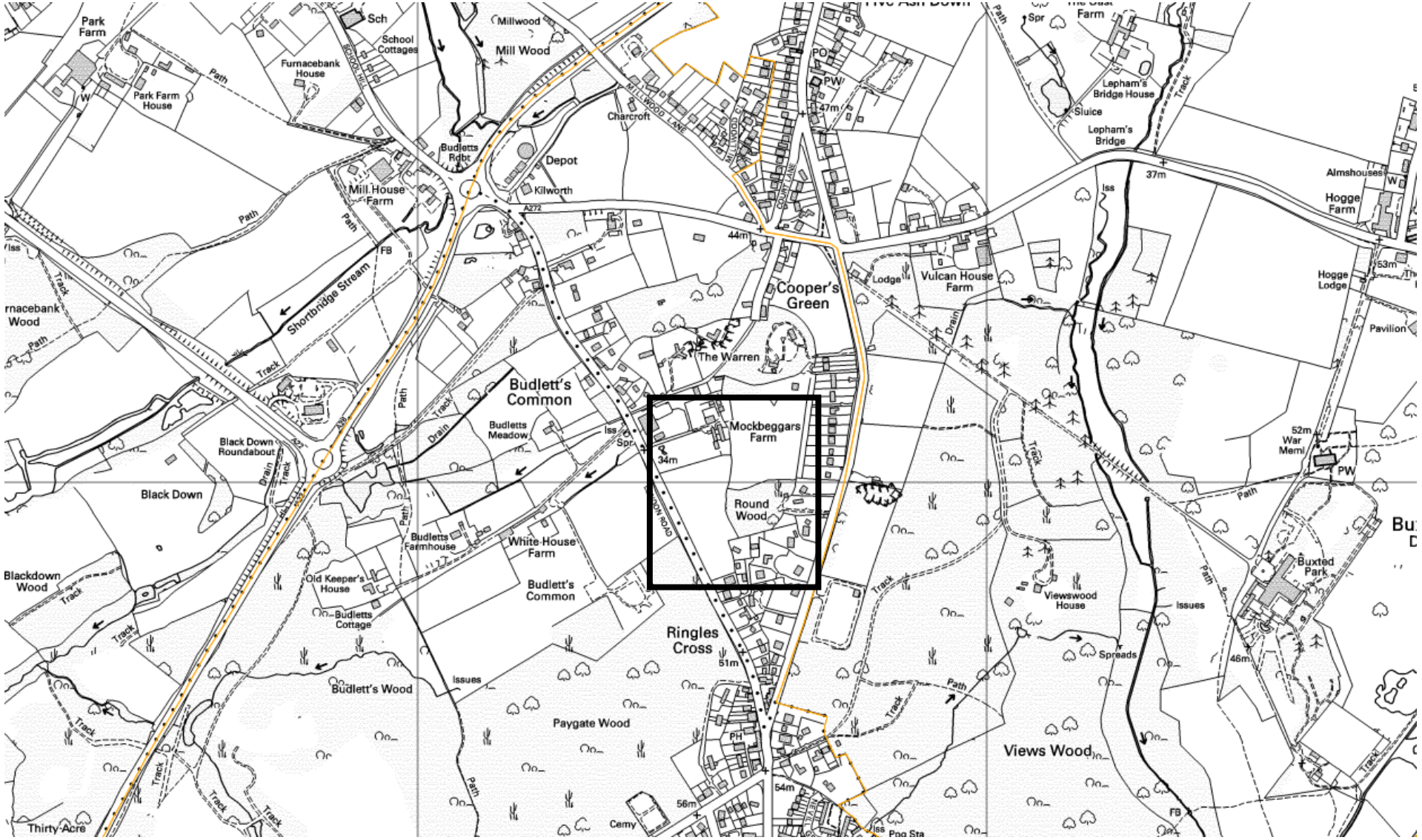
6. Contact points and references

Team Leader	Claire Turner - Tel: 01892 602541
Case Officer:	Mr M Taylor, Senior Planning Officer – Tel: 01892 602560
Ward Member:	Cllr Daniel Manvell

For: Planning Committee North
Date: 15 June 2023

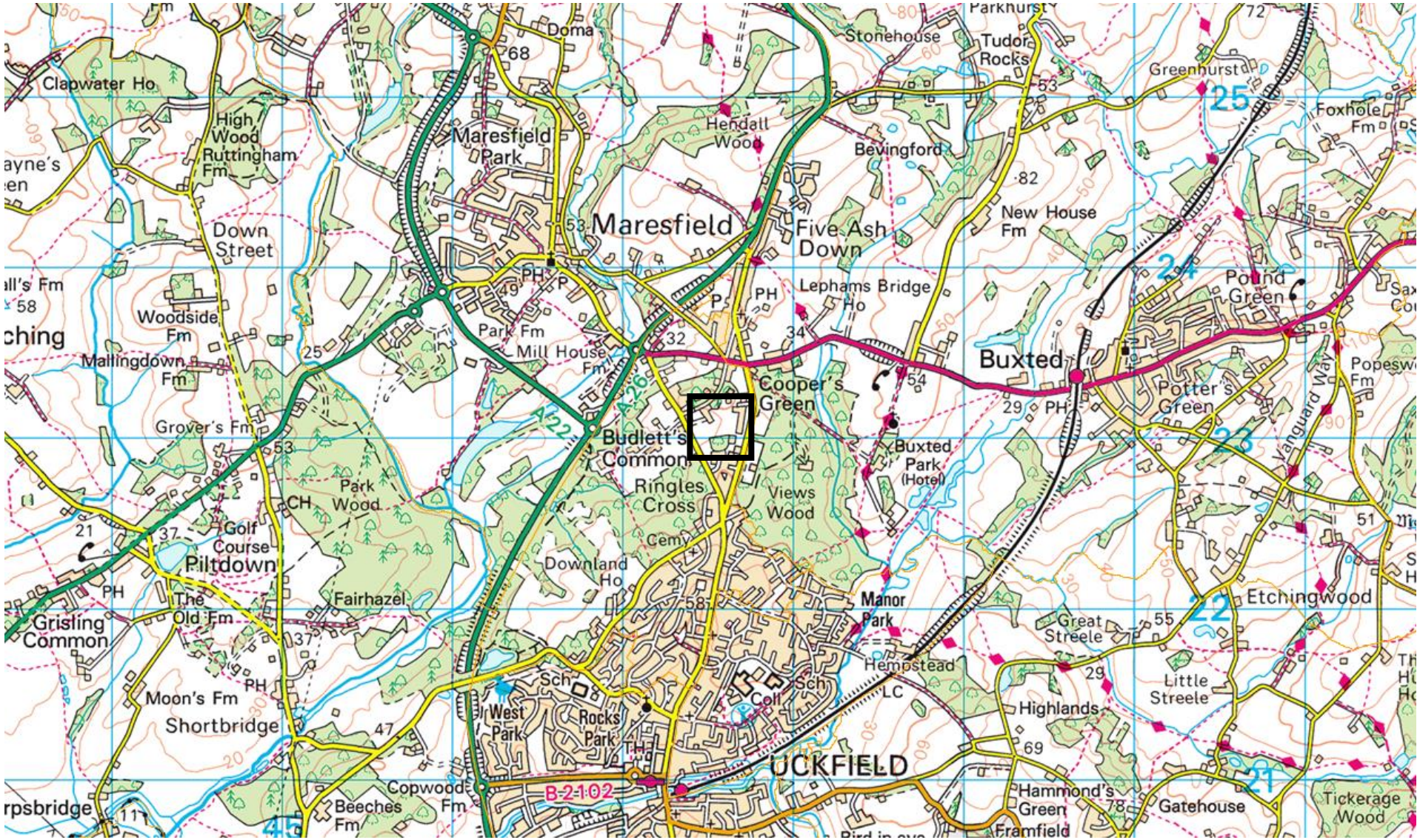


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Date: 15 June 2023



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