OUR REF: SR/PE/2020/0447/E
ASK FOR: **Mr S Robins Tel:** [redacted]
DATE: 28 November 2020
YOUR REF: 29565/A3/JM/sjo

Wealden District Council

Joshua Mellor

Head of Planning and Environmental Services

Barton Willmore

Dear Mr. Mellor,

PE/2020/0447/E
DOWNLANDS FARM, UCKFIELD

I refer to the above matter and our Team conference call wherein we debated the site and emerging proposals.

Can I apologise for time taken to write back to you. I do regret the delay but this is a large site with detailed planning history. I wanted to fully appraise myself with finer details in order to provide advice.

Preliminary Matters

Your letter of the 31 July 2020 which accompanied the pre-application bundle sets the scene here in some detail. I see little point in repeating matters though I would note:

- The site is outside the development boundary in the adopted development plan
- The site was outside the development boundary in the now withdrawn 2019 Submission Local Plan
- The site was subject to a previous planning application for 750 dwellings plus 9,600sqm of non-residential uses considered by the Council and refused consent in 2007 (application ref. WD/2006/2855/MEA). This decision was subsequently appealed and dismissed in 2008, following a conjoined inquiry with 2no. other development sites at Bird in Eye North and Bird in Eye South. It is material to note the appeal decision was recovered by the Secretary of State (SoS) who agreed with the Inspector that permission should be withheld for all sites.
- Whilst the National and Local planning context has changed significantly since this date, these previous decisions highlight key considerations, including in respect of matters of landscape character, ancient woodland and sustainable movement.

Emerging Proposals

disability confident EMPLOYER

These are changing as further work is undertaken. The original request was for development up to 1000 dwellings. This reduced to 550 and then 450 within the plans which have informed the EIA Screening and as yet undetermined Scoping assessment.

The scheme shows:

- The provision of a large area of SANGS, located to the north of Area A, alongside an area of open space/play pitches;
- Primary vehicular access into the development site is shown via a new roundabout on the A22, within an area currently occupied by woodland; and
- Connectivity is shown via "several existing and new routes for pedestrians and cyclists achievable from the Site. As well as enhancement to existing routes to the nearby existing facilities, including the Local Fuels Service Station (inc. convenience store) on London Road and Tesco Express on Browns Lane. It is also stated that the development will promote and enhance existing routes from the Site to the Town Centre. This includes routes along Snatts Road and The Drive, alongside provision of a new strategic pedestrian and cycle route alongside the A22 and B2102.

Advice

You have asked for pre-application feedback to answer the following:

1. The principle of the development;
2. The concept design information, including the overall arrangement of built development;
3. The proposed scope of application documentation, including feedback on the proposed viewpoints (as attached), which will inform the emerging Landscape and Visual Impact Assessment being undertaken to support the forthcoming Hybrid application for the Site; and
4. The extent of likely S106 Agreement requirements.

Principle of Development

The development plan has a statutory status as the starting point for decision making. This land is outside the development boundary in the 1998 Local Plan which was retained in Uckfield within the Core Strategy 2013. It should be refused in line with the Plan unless material considerations indicate a contrary decision can be made.

The most relevant material considerations are within the NPPF, together with the context of the site which has detailed planning history.

As I write this, the Council is unable to demonstrate a five-year housing land supply as required to by the NPPF. Although the supply figure is c.3.8 years and is improving month to month, it is correct that housing need is pressing and a significant consideration. In such circumstances, the NPPF is clear: planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the NPPF taken as a whole.

The prospect of further development here, including affordable housing together with custom and self build plots, is a weighty consideration. In accordance with Paragraph 177 of the NPPF, the presumption in favour of sustainable development is likely to be applied because I would anticipate being able to positively conclude an Appropriate Assessment of effects of development on the Ashdown Forest SPA and SAC.

Concept design, layout, arrangement

The pre-application material explains the response to the previous appeal decision. I do not propose to repeat it all here but the broad strategy is a reduced form of development than previously rejected scheme, essentially confined to already open parts of the site, clear buffer to

sensitive woodland edges all informed by a larger area of open space and even larger area of on site SANG. There is also extensive ecology survey work which has informed the approach.

As I write this, I cannot give you a conclusion in regard to landscape and ecology matters. I know that my colleagues are due to meet the team advising the applicants and that will be important. It is also noted that the applicants have agreed to lodge an Environmental Statement to support the development proposals. I can really say no more at this stage though it is a live and significant issue having regard to para 31 of the SoS call in letter regard to ecology impact.

Separately, there are discussions with East Sussex highways which take the form of conjoined work in combination with others promoting land at Uckfield, but also more localised works (most notably the work includes a new roundabout access on the A22). Much of that work has not been concluded and as such, I cannot give any view on it at present.

The landscape impact assessment work and viewpoints that you have tabled appear correct to me. I take no issue with the work that has been done there, which all flows from the earlier appeal. I cannot conclude at this stage whether the adverse effects on the landscape have been resolved in the reduced area. It is clearly a materially reduced area of land take compared to the earlier scheme and I can see that built form would set in a generally more open area than the rejected scheme. I am unsure at present whether the key landscape issue would be resolved. This, as you know, is what Inspector Dobsen described as a "major disadvantage" to Downlands, that the development would *"…spill out" into a new and relatively pristine area of countryside, over the long topographical ridge which follows approximately the line of Snatts Road, thereby breaching an important natural (and defensible) boundary to Uckfield. Instead of facing the town, it would look towards the adjacent countryside and the more distant AONB"*. For me, more work is required on the landscape assessment and I will continue to do this in the lead up to the submission.

I do wish to offer what I regard as firm and concluded advice at this stage and this relates to accessibility of the site.

During our meeting we discussed this issue in some detail and I am grateful for the time taken to explain this. Whilst accessibility of Downlands is not the only issue in play, it is a key one bearing in mind the previous appeal decisions. Both the Inspector and SoS regarded the land as not be particularly accessible, particularly by non-car modes of transport, and at that stage it would exhibit signs of likely car-dependency, contrary to then national and local transport policies.

I must pause to point out that the rejected scheme was a larger and mixed use form of development. It had a school, employment, country park and small retail offer. There was commitment to bus route extending in the site together with what was described as internalisation of trips. This package of uses and development was argued that many short trips – stated as 10% of all residents' trips – would be contained within the development, thereby obviating the need to use the car. There was then a commitment to a new 3.1 kms. cycle link would run alongside the eastern edge of the A22, to terminate opposite the bus station [B1, app. AMB-C]. A further new footpath/cycleway (dubbed the Snatts Road link) would follow Snatts Road and Rocks Road to provide a convenient (and attractive) link to the town centre. The appeal includes the following text:

156. [B1 app. AMB-E] illustrates walking isochrones from the site. This shows a list of facilities and services that would be within reasonable walking distance. [B1 Table 3.1] lists those within 2 kms. of Downlands centre. Together, these demonstrate that, like Downlands itself, some facilities are in the north of the town.

In the current emerging proposals you have omitted the mixed use elements. There is no school, no retail and no commercial use. The Snatts Road link is also gone.

The package of works in the emerging scheme show enhancements to existing footways coupled with the footway link of the side of the A22 which would then loop back along Bellbrook Lane towards the town centre.

It seems to me that the only real difference in the accessibility works now tabled is the pledge to surface the existing public right of way Uckfield 3a which links Snatts Road to Church Street via Downdland Copse and The Drive. There is a change in levels with steps just south of Downland Copse and the team advising have explained that, subject to agreement from Ucklfield Town Council, this section of the right of way could include a ramp, thereby levelling out the steps here. The Town Council are key because they control land either side of the path here.

Since we met I have taken time to walk these paths. I must confess I did not walk very far along the proposed route to the east of the A22 – it was not possible. Even so, I have concluded that the accessibility failings of the site which were instrumental in the rejected scheme, have not been materially addressed in the emerging proposal.

At the meeting we spent time debating the Uckfield 3a footway link and also the issue of connections to Browns Lane where there is a local Tesco, plus wider links into town via London Road. The Tesco store on Browns Lane has been in place since 2004 and as such, was long established as a local top up convince store when Inspector Dobsen reviewing matters in 2008. Its not a new facility nor new matter that would help resolve accessibility. The footpath was also in place at that time and if the difference between allowing the appeal or rejecting it turned upon upgrades to the footpath surfacing, I would have thought that would have been addressed via a Grampian condition. It was not. I do recognise that the pledge of ramp here to cut out the steps and changes in levels is different but as far as I am aware, no discussions have taken place with Uckfield Town Council. If not, then the ramp works are undeliverable. I must say I would be extremely supposed if he Town Council would partner with your client to allow the ramp to be installed on their land, My impression is that the Town Council do not wish to see development on Downklands and any works proffered to narrow the margins and make the scheme even a little more acceptable, would be rejected. I am happy to stand corrected.

From what I have seen and read, the emerging scheme does not address the poor accessibility of the site set out at 746-753 of the previous appeal. In my view this is a major flaw. It would significantly and demonstrably outweigh the benefits of development when considered against the policies in the NPPF taken as a whole, coupled with the previous appeal.

Other Issues including without prejudice likely Heads of Terms to a s106

Affordable Housing

35% affordable housing would be required as set out in policy AFH1 of the Affordable Housing Delivery Local Plan (AHDLP). The affordable homes should meet or exceed the minimum sizes as required by the Nationally Described Space Standards based on:

- 1 bedroom (2 person) units @ 50sqm
- 2 bedroom (4 person) units @ 79sqm
- 3 bedroom (5 person) units @ 93sqm
- 4 bedroom (7 person) units @ 115sqm

Open plan kitchen/lounge layout is only acceptable for one bedroom homes.

All affordable homes should meet current local and National Standards Part M Building Regulations with preference for M4(2) standards

Market Housing Mix

There are no specific policies at the current time regarding the market housing mix. Applicants are however encouraged to consider the inclusion of one or two bedroom bungalows as this meets a demand for elderly residents wishing to downsize in the area. Where this has been included in a number of schemes, this has been commended and supported by Council Members. These bungalows should allow for future adaptation for wheelchair use.

Custom and Self Build Housing

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 I write this, the Council has significant unmet need for on its Self-Build and Custom Housebuilding Register. The Submission Wealden Local Plan 2019 had included emerging policy HG7 but that has fallen away in line with the Plan declared unsound. However, the NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that are suitable for housing. So whilst there is no development plan policy in play, there is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. In this case we would look to at least 5% of the number of dwellings to be secured to, 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).

Ecological issues

Some site habitats are suitable for amphibians including great crested newts (grassland margins, hedges, woodland and scrub) and there are a number of ponds in the local area, including on site. Similarly, the hedgerow, woodland, scrub and grassland habitats are likely to support reptiles. The site is likely to offer bat foraging opportunity.

The application would ne informed by ES considering the potential for impact on biodiversity and protected species and any potential mitigation that would be necessary in addition to biodiversity enhancements.

Development proposals should ensure:

- The boundary vegetation should be strengthened by further planting, including berry bearing species to provide for bird foraging, and native species to attract insects. A structurally diverse range of plants should be used with tree, shrub and ground layers with areas of dense scrub as well as more open areas;
- In-site structural native tree and shrub planting to provide cross-site corridors and a foraging resource for a variety of species;
- Creation of permanent wildflower grassland and native scrub habitat on the site boundaries and within areas of public open space;
- All mature trees should be retained in-situ;

- Retention and enhancement of the pond on site through de-silting and removal of overhanging woody vegetation;
- Enhancement of any proposed SUDs features using native wetland plants, and trees, shrubs etc; and
- Long-term management of habitats should be detailed in a Landscape and Habitat Management Plan (LHMP), including newly created as well as retained habitats to ensure the long-term viability of such habitats.

Cultural Heritage

Careful consideration needs to be given to the effect any development would have on the setting of the nearest listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Four listed buildings lie to the north and south of the proposed application site and therefore the potential impact on the setting of these listed buildings needs to be carefully considered. The application will need to be accompanied by a Heritage Statement.

The heritage statement should include an archaeological assessment. I would advise you contact ESCC archaeologist as on major developments he tends to request geophysical surveys as part of the outline application.

Sustainable Urban Drainage Systems

Surface water run-off should be addressed by SuDS that are designed to attenuate flows and avoid rapid changes in water levels, and also to avoid water quality impacts off-site. The development must provide clear details on how the SuDS will be managed for the lifetime of the development, ie in perpetuity.

Traditionally SuDS are designed with attenuation of flows to maintain the greenfield run-off rate as the principal consideration, with perhaps less thought given to water quality issues. However, it is important to be certain that the SuDS proposed is capable of treating the surface water run-off to a high enough standard. I would refer to the methodology set out in the CIRIA SuDS Manual (2015) to devise the SuDS. Reference should be made to the index approach set out in Chapter 26, section 26.7.1, which describes how the pollution hazard index should be defined for the development type, and then compared against the mitigation index. To deliver adequate treatment, the selected SuDS components should have a total pollution mitigation index (for each contaminant type) that equals or exceeds the pollution hazard index (for each contaminant type). If the application sets out the information in this way, it would make it clear that the SuDS components chosen are appropriate, and sufficient, to address the pollutants arising from the development.

The Council supports the use of SUDS based on natural features as opposed to tanked systems/cellular storage. For the avoidance of doubt, swales should be used to convey surface water as opposed to piped systems wherever possible. The Council does not support the use of permeable paving along access roads as in the past ESCC Highways have not adopted these roads. This results in higher service charges for future occupants and if the appropriate maintenance is not regularly carried out the paving can become silted and therefore impact on the effectiveness of the drainage solution and flooding risks. The Council's preference is for the use of natural drainage systems (eg swales and attenuation ponds) as the maintenance of these can be part of the landscape strategy in addition to the amenity and biodiversity benefits.

The bank profiles of the attenuation ponds and swales should be graded and stepped to avoid safety issues being raised by future occupants and therefore the land take for attenuation ponds, swales, ditches should take account of this including the need to allow appropriate

access for maintenance. SUDS should be designed for the 1 in 100 annual probability storm with a 40% uplift to account for climate and an allowance for urban creep.

Details of the outfall for surface water will be required and any necessary third party consents.

You are recommended to undertake pre-application advice with ESCC LLFA regarding surface water drainage to ensure that there is sufficient space within the layout to provide the necessary attenuation.

Foul Drainage

Having regard to the foul drainage infrastructure in this locality, it is likely that the local infrastructure will need upgrading to accommodate flows from this development. This network reinforcement would be carried out by Southern Water part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Where this situation has arisen the Council has attached conditions to permissions that restrict occupation of the development until the necessary upgrading works have been carried out to accommodate the foul drainage arising from the development.

Spatial and Design Issues

I would expect a proofing layout to be submitted that clearly demonstrates development can be satisfactorily accommodated. Key points that will impact on the quantum of development that can be accommodated on the site are the spatial requirements set out below.

- Shared surfaces should not be less than 4.8m wide to enable a rigid vehicle and car to pass – preferable that a minimum width of 5m is used and 5.5 for main carriageways.
- All roads should be tracked to accommodate refuse vehicles 11.997m long (not the 11.2 referred to in the TA) and weighing 26 tonnes when fully loaded. It should also be noted that maximum walking distances are 30m and reversing distance are 25m. Full details can be found in the Good Practice Guide for Property Developers: Refuse and Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas.
- It is important to ensure there is sufficient car parking throughout the site with visitor parking evenly distributed. The layout as shown does not demonstrate this. Visitor parking should be provided based on 1 space for every three dwellings. Parking is one of the biggest issues across new developments. ESCC Parking Calculator helps calculate the parking provision required, which is available on the County Council's web site. Whilst these have not been formally adopted by WDC, they will provide a guide. Parking spaces should be 2.5m wide by 5m long. Where the parking space is adjacent to a wall or boundary ESCC request that an additional allowance of 0.5m is allowed for each side that is adjacent to the boundary. Garages should be a minimum internal width of 3m at narrowest point and 6m long or if used for cycle storage 7m long. Having regard to the location of the site I would advise that garages are not provided to reduce the impact of built form on the character of the surrounding area. If garages are provided they only count for 1/3 of a parking space.
- Ensure all parking bays have minimum of 6m reversing distances.
- If visitor parking is provided adjacent to open spaces - Highways normally require pavement on passenger side of parking space where it abuts open space – this can however overly urbanise the scheme and therefore it would be better to provide wider parking spaces to avoid passengers getting out on landscaped areas.
- Parking courts (rear parking courts would not be accepted), if used need to ensure that cars can manoeuvre in and out easily without overrunning landscaping/kerbs etc. These spaces will need to demonstrate through tracking that they can function properly.

- Strong structural landscaping is required along the main access roads (which should be in public areas to ensure their long term retention) connecting to the main open spaces to help define road hierarchy and provide ecological connectivity.

- Landscape buffers of 5m should be provided adjacent to all shared boundaries with existing housing.

- Where flats are proposed appropriate provision should be made for communal amenity space (separate and private from parking courtyards) in accordance with the standards set out in the Wealden Design Guide. If flats are for affordable units, then the Housing Service tends to request external drying areas.

- Garden sizes should ensure they meet the minimum standards set out in the adopted Wealden Design Guide with minimum space of 100sqm for three bed units and above.

- Sufficient space needs to be provided for open space and recreation in accordance with policies LR3 and LR5 of the Wealden Local Plan and the draft SPG Outdoor Open Space 2003. Open amenity space requirements are based on the following:

  - 1 bed units: 17 sq m Youth/adult, 2.5 sq m equipped children's play space and 4.5sq m casual informal play space per dwelling;
  - 2 bed units: 34 sq m Youth/adult, 5 sq m equipped children's play space and 9sqm casual informal play space per dwelling;
  - 3 bed units: 51 sq m Youth/adult, 7.5 sq m equipped children's play space and 13.5sqm casual informal play space per dwelling;
  - 4 bed units: 68 sq m Youth/adult, 10 sq m equipped children's play space and 18sqm casual informal play space per dwelling;
  - 5 + bed units: 85 sq m Youth/adult, 12.5 sq m equipped children's play space and 22.5sqm casual informal play space per dwelling.

  Equipped and casual informal space must be provided on site. Play areas should be interesting, visually stimulating and sympathetic to the context. Consider integrating some of the play experience into the natural landscape and open spaces such as trim trials and adventure experiences as opposed to just equipped and fenced enclosures. Important to have regard to the need for disabled children regarding accessibility and equipment eg Team swings etc. I raised concerns about location of one of the play areas and the close proximity to road junctions

  A financial contribution for off-site provision of Youth and Adult recreation space can be secured through a legal agreement.

- Terraced housing needs to provide shared accesses through the building to access gardens. Rear alley accesses will not be accepted as not only are they security risk but people will not use them to wheel refuse bins in and out of gardens with the result that these would be stored to the front of properties with the resultant detrimental impact on streetscape.

- Buildings at junctions, focal and nodal points etc should be designed to be dual aspect ensuring that plot sizes allow sufficient space for focal buildings/dual aspect buildings (ie projecting gables etc).

- Greater use of projecting gables/bays/extended canopies which are traditional in the Wealden vernacular should be included in terraces to provide visual interest and distinctiveness within the streetscape.

CIL and Developers Contributions

The development would, if approved, be liable to pay CIL. Off-site contributions would be required for the provision of youth and adult play space if it (or part of) is not provided on site and would be based on 17sqm per bed space. This is calculated at the time of the determination of the planning application based on the indexation of the figures in the Outdoor Playing Space SPG relative to the RPI. Currently the figure is £24.77 per sq m.

I make no comment at this stage in regard to County matters – such as education and highway works. I would urge to continue discussions with East Sussex colleagues in order that the application addresses requirements.

Submission Documents

In addition to the application forms, certificates and drawings, I set out below the documents required to accompany a planning application:

- Planning Statement
- Design and Access Statement
- Cultural Heritage Statement including archaeological assessment
- Phase 1 Habitat Survey and Protected Species surveys including bat activity surveys.
- Transport Assessment and Stage 1 Road Safety Audit
- Tree Survey and Arboricultural Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Impact Assessment

I hope this advice is helpful, but would point out that these comments represent an informal opinion on the proposals, based on the information available, and are offered without prejudice to the consideration and formal determination of any future application which may be submitted to the Council.

Yours sincerely



Stacey Robins
Head of Planning & Environmental Services