

For: Planning Committee North
Date: 1 April 2021

WD/2020/0410/MAO - LAND OFF EASTBOURNE ROAD, UCKFIELD

Summary of Proposal

Major Application - Outline application for:-

OUTLINE PLANNING APPLICATION FOR UP TO 90 RESIDENTIAL DWELLINGS (INCLUDING UP TO 35% AFFORDABLE HOUSING), INTRODUCTION OF STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA, SURFACE WATER FLOOD MITIGATION, VEHICULAR ACCESS POINT FROM EASTBOURNE ROAD AND ASSOCIATED ANCILLARY WORKS.

Received date: 16 March 2020
8/13 week date: 31 July 2020

Parish: Uckfield
Ward: Uckfield Ridgewood & Little Horsted
Grid Ref: 548250 119506

Link to website:

<http://planning.wealden.gov.uk/plandisp.aspx?recno=149105>
<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=661>

Recommendation

Subject to:

- (1) No objection from Natural England following consultation on appropriate assessment;
- (2) Completion of a S106 Agreement to secure:
 - 35% affordable housing provision:
 - 5% serviced plots for custom and self-build units
 - A financial contribution towards any off-site youth and adult recreation space that cannot be accommodated on site in accordance with the requirements of the Council's draft SPG Outdoor Playing Space and saved policies LR3 and LR5 of the Wealden Local Plan.
 - Off-site highway works including:
 - a) Access/footway and junction realignment at New Road/Eastbourne Road junction
 - b) Off-site supplementary road signage and planting at Teelings Drive Roundabout
 - c) Yellow box junction markings at Bell Lane/High Street
 - Travel Plan for 5 year term and £4500 audit fee as per ESCC Travel Plan guidance 2020

For: Planning Committee North
Date: 1 April 2021

- Financial contributions towards SANGS and SAMMS
- Improvements to footpath 38

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 layout, scale and 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 three years beginning with the date of the grant of this outline permission; and

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

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

3. 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 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 SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

4. 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 SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

5. 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 SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

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

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2019.

7. 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 6 to the written satisfaction of the Local Planning Authority. AR03(M)

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2019.

8. The reserved matters submission shall identify the number and 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, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 8, 55 and 127 of the National Planning Policy Framework 2019.

9. 1) Prior to commencement, a detailed traffic noise assessment shall be undertaken for this development, obtaining noise data from several days of monitoring (a minimum of 48 hrs)
2) Data obtained from the detailed traffic noise assessment shall be used to aid the design of the site as per ProPG. The data shall also be used for a Ventilation, Acoustics and Overheating assessment, in accordance with the guidance published by the Institute of Acoustics and Association of Noise Consultants (January 2020)
3) Following the monitoring and Acoustics, Ventilation and Overheating assessment, a detailed scheme for the glazing and ventilation requirements for all the units of the development shall be submitted in writing to the Local Planning Authority for approval. This scheme shall ensure that internal noise conditions as per BS8233:2014 shall be achieved and external noise levels shall comply with WHO Guidelines for Community Noise 1999.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998 coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

10. 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. SS05

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 148, 150 and 153 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 4.

11. A detailed BS4142:2014 noise assessment for the industrial site adjacent to the development site shall be undertaken. The report shall consider all activities occurring at the industrial site, including deliveries and plant noise (mobile and fixed). It shall outline suitable noise mitigation measures to ensure that the development complies with the agent of change principle, as per paragraph 182 of the NPPF. Additionally, mitigation shall ensure that internal noise conditions as per BS8233:2014 shall be achieved and external noise levels in amenity spaces shall comply with WHO Guidelines for Community Noise 1999. The noise assessment and mitigation measures report shall be submitted as part of any reserved matters application(s).

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998 coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

12. A scheme to mitigate the air quality impact caused by the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the associated dwellings

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998 coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

13. No work below ground level shall be carried out on site for the development hereby approved, until full written details for a Code of Construction Practice has been submitted and approved in writing by the Local Planning Authority. The Code of Construction Practice should detail good practice measures for site working to mitigate potential impacts from construction including protection of

retained features and surface water bodies on or adjacent to the site, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing including directional signage, the anticipated number, frequency and types of vehicles used during construction; the method of access and egress of vehicles during construction; the parking of vehicles by site operatives and visitors; the loading and unloading of plant, materials and waste; 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); sheeting of lorries during transportation of construction materials, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site. C04(M)

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

14. During the construction phase, no works shall take place other than within the hours Monday to Friday 08:00 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays Public or Bank Holidays.

Construction deliveries shall take place between 08:00 to 18:00 Monday to Friday only but not at any time during the peak school hours of between 08:00 to 09:00 and 14:30 to 15:30 and not at all on Saturdays, Sundays, Public or Bank Holidays.

REASON: To protect residential amenity, having regard to Saved Policy EN27 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 127 of the National Planning Policy Framework 2019.

15. No work below ground level shall be carried out on site for the development hereby approved until a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority. Throughout the construction period, work shall be carried out in accordance with the approved scheme.

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: To protect residential amenity and the environment, having regard to Saved Policy EN27 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 127 of the National Planning Policy Framework 2019.

16. Before preparation of ground levels of the development approved by this permission a scheme for the provision and implementation of foul drainage works shall be submitted and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage. DF02(M)

REASON: To protect water quality and to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

17. No development shall commence until details of surface water drainage, which shall follow the principles of sustainable drainage have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings within a phase.

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

1. Surface water discharge rates shall not exceed greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change and an allowance for urban creep) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.
- 2 The details of the outfall and how it connects into the offsite watercourse shall be provided as part of the detailed design including cross sections and invert levels.
- 3 Provide proof of agreement from the landowner(s) to accept the surface water discharge from the site into their watercourse
- 4 The condition of the watercourse which will take surface water runoff from the development shall be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse shall be carried out prior to construction of the outfall.
5. Details of the measures proposed to manage exceedance flows which shall include details of how the existing overland surface water flows have been intercepted and managed. All interception swales shall be located in communally managed land and will not be the responsibility of single householder.

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

2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

18. Prior to occupation of any dwelling in a phase of the development, evidence (including photographs) shall be submitted showing that the associated drainage system for that phase of development has been constructed in accordance with the approved detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

19. A maintenance and management plan for the entire drainage system shall be submitted to the local planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan shall cover the following:

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

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

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

20. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented throughout the course of the construction.

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

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

soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

REASON: To prevent pollution of the water environment, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 163 of the National Planning Policy Framework 2019.

22. The development shall not commence until technical details of the layout of the new access and footway have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority. The development hereby permitted shall not be occupied until the construction of the access has been completed in accordance with the agreed specification.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

23. The access shall not be used until visibility splays of 2.4m by 106m westbound and 65m eastbound (to roundabout exit) are provided in both directions and retained thereafter. There shall be no obstruction to visibility above a height of 600mm above each carriageway level. HW16

REASON: In order to provide visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development and the adjoining road having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

24. No works below ground level shall take place until detailed plans, including levels, sections and constructional details of the proposed road, surface water drainage, foul sewers, outfall disposal and street lighting have been submitted to and approved in writing by the Local Planning Authority, and such work as approved shall be carried out at the time of the development and thereafter so retained. HW02

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

25. The new estate roads shall be constructed to a standard approved by the Local Planning Authority in consultation with the Highway Authority. All primary and

secondary access roads shall be offered for adoption as a maintainable highway to the Highway Authority. All other roads shall be constructed to an adoptable standard.

The approved works shall be phased with the progress of building construction to the approval of the Local Planning Authority.. HW05

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

26. No development hereby approved shall commence until details setting out the methodology and timetable for the on-going surveying and monitoring of the condition of Eastbourne Road and the immediate highway network to demonstrate the condition of the roads prior to the commencement of works, during construction works and following completion of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Should the Local Planning Authority consider, in consultation with the Local Highway Authority, that remedial measures are necessary as a result of considering the final monitoring report, they shall give written notice to the developers. Within one month of receiving such written notice from the Local Planning Authority, the developers shall submit a scheme of construction works for the necessary improvements to meet the Local Highways Authority's reasonable requirements and a programme for the implementation of the improvements shall be submitted and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details and programme of works to the satisfaction of the Local Highway Authority.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2019.

27. All parking spaces shall measure not less than 2.5m by 5m. Where parking spaces are located adjacent to a solid boundary then an additional 50cm shall be provided between the parking space and the boundary. Where garages are proposed these shall have an internal width of not less than 3m by 6m at the narrowest point.

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 104 and 110 of the National Planning Policy Framework 2019.

28. Before preparation of any groundworks and foundations of the development hereby approved, a detailed scheme of hard and soft landscaping and a programme for its implementation including the provision for the reinforcement of existing vegetated boundaries with native tree and shrub planting to provide screening between the development and the site boundaries, equipped children's play space, and amenity space shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained thereafter for those purposes only.

These details shall include full plans and specifications of proposed boundary treatments, proposed finished levels and contours, hard surface finishes, details of any retaining walls, steps, railings, walls, gates or other supporting structures, car parking layouts, other vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. street furniture, refuse and other storage units). The information shall also include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with British Standard 5837:2012, "Trees in Relation to Construction" in the course of the development, together with a scheme for the subsequent maintenance of all planting which form part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the associated building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the first occupation of the associated building(s), or the completion of the development whichever is the sooner.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2019.

29. 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 over the period specified. LA09(M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2019.

30. Before preparation of ground levels for development approved a wildlife management plan in accordance with the recommendations contained in the Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts, dormice 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 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 170 and 175 of the National Planning Policy Framework 2019.

31. Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with the recommendations contained in the approved Ecological Appraisal, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 170 and 175 of the National Planning Policy Framework 2019.

32. 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, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN29 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

33. Before development commences a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall

include numbering and detailing trees, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall be implemented in accordance with the approved details. TP05(M)

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 3, Section 6.

34. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-
- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
 - (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 3, Section 6.

For: Planning Committee North
Date: 1 April 2021

35. 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

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: 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

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. NCN1

NOTE 5: A formal application for connection to the public sewerage system is required in order to serve this development. For further advice, please contact:

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

NOTE 6: The applicant is advised of the need to consult East Sussex Fire Service regarding the provision and location of fire hydrants within the development.

NOTE 7: The existing public right(s) of way across the site must remain undisturbed and unobstructed unless or until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way should be protected throughout the course of development by being clearly demarcated, signed, surfaced or fenced as may be necessary. STN10

NOTE 8: It would seem that a temporary footpath diversion or closure under section 14 of the Road Traffic Regulation Act 1984 will be required for safety reasons whilst the work is carried out and the applicant should be advised to contact the highway authority (ESCC) to this effect.

Reason for Referral

This application is being referred to this Committee as it falls outside the scheme of delegation. The application has also been referred to Committee by Councillor Johnson on the grounds that it is a major development and concerns over high street capacity with regard to traffic.

Executive Summary

This application seeks outline planning permission for up to 90 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point from Eastbourne Road and associated ancillary works. All matters to be reserved with the exception of the main site access.

This application therefore deals solely with the principle of housing and the means of access.

The applicant had previously submitted an application for the same development in May 2016 under application reference WD/2016/1081/MEA. That application was refused under delegated powers on 25 August 2016, solely on the grounds of the impact on the integrity of the Ashdown Forest due to concerns at that time linked to intensification of nitrogen deposition as a result of additional traffic generated and the lack of suitable mitigation.

The site is located to the south of Uckfield and comprises two fields, totalling 4.16 hectares, bounded by hedges, some of which contain a large number of mature hedgerow trees. The application site lies within open countryside as defined by the Local Plan and has therefore been advertised as a 'departure' application.

The site is located immediately to the south east of the existing urban area of Uckfield. The site is defined to the north by Eastbourne Road, Ridgewood Industrial Estate to the west and mature hedgerows to the south and east of the site. Existing residential development is found to the east and north of the site boundaries. All boundaries are marked by hedgerows interspersed with a number of mature trees.

The development proposes that the site will be accessed from Eastbourne Road via a priority T junction. The necessary visibility splays can be achieved and the site access will comfortably operate within capacity in both the morning and evening peak periods with the development traffic.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

The Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan. These policies, which restrict development in the countryside, were based on an assessment carried out in 1998 of the housing requirements up until 2004. In the absence of a five year housing land supply the effect of these policies, which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. On this basis the issue of housing delivery is considered to be a significant material consideration in favour of the application that outweighs the policy conflict with GD2 and DC17. On this basis, it is the officer's view that very limited weight should be given to these two policies in the consideration of this application.

The application accords with the three objectives of sustainable development: economic, social and environmental. The development would bring economic benefits, delivering and supporting jobs on and off site during the construction period. The economic benefits would also include spin-off benefits to other businesses in the area and supporting those local services within the locality. The proposals would help deliver much needed housing including affordable housing to meet housing requirements in the district and locally needed affordable homes thereby meeting the social role. The development will relate satisfactorily to surrounding built-form. It is considered that subject to appropriate detailed design which would be determined

through subsequent reserved matters application(s) and condition discharge that the development will provide a locally distinctive environment. Having regard to Paragraph 109 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal.

Further noise assessments to inform detailed design will ensure the amenity of occupants of the proposed development are not impacted by noise pollution from Eastbourne Road and Ridgewood Industrial Park. Furthermore, reinforcement of existing boundaries with new planting will protect the visual amenity of both existing residents, prospective occupiers and the wider landscape. Ecological mitigation and enhancements will be provided within the site. The development therefore meets the environmental role.

Concerns about impacts on existing infrastructure and services are not considered to weigh against the proposal having regard to the fact that the proposed 65% market housing will be CIL liable and the payments from these receipts will provide revenue to assist in providing additional services for the area

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the two policies GD2 and DC17, which for the reasons set out above, are given very limited weight. Whilst the proposal is contrary to the development plan taken as a whole, paragraph 11d (ii) of the National Planning Policy Framework (2019) (the Framework) applies for the reasons set out in the main body of the report (having regard to a positively concluded Appropriate Assessment). This sets out that that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is known as the 'tilted balance' in consideration towards housing supply. Whilst it is acknowledged in the main body of the report that the development will impact on the character of the immediate locality, the adverse impacts are not considered to significantly and demonstrably outweigh the advantages of the delivery of up to 90 dwellings in the context of the district's lack of a five year housing land supply.

Subject to the completion of a legal agreement and the conditions set out in this report, it is recommended that outline planning permission is GRANTED.

1. Statutory Bodies and Residents - Responses

Highway Authority

Summary of Final Response

NO OBJECTION subject to the imposition of conditions and legal agreements

First Consultation Response

OBJECTION due to insufficient information

Executive Summary

This application is a submission of a major development that is being proposed during conditions where there is no development plan in Wealden. Previously, an application was submitted for the same scale of development under reference WD/16/1081 and was refused on policy grounds relating to Ashdown Forest on 30/08/16. At the time there was an incomplete assessment of the highway impact from this site, though the applicant had addressed non-motorised accessibility.

Preamble

The current status of Uckfield as a town for development is that the absence of a local plan has attracted a number of potential housing sites for consideration. Previously, for this site, it was considered acceptable that a sensitivity test on local junctions could be carried out to understand the impact of the proposed 90 dwellings when the only secured development at the time was Ridgewood Farm, which had a valid town transport model.

The current position of the Highway Authority is that the transport model used for the Core Strategy Local Plan is now outdated and since, there have been highway works to improve the High Street environment, and public car park management in the town centre to encourage walking and cycling and enhance the environment for non-motorised users. To date the Ridgewood development site has commenced but occupation levels are still at an early stage, with only phase 1 having commenced and partly occupied.

Without guided development through an adopted Local Plan, a number of sites proposing development have come forward in Uckfield and will need to be considered in a co-ordinated way to understand the cumulative impact on key and critical junctions in and around the town centre. The roads currently experience varied levels of congestion and these need to be explored should a number of major sites come forward during a similar timescale to understand the level of mitigation and highway solutions to accommodate the level of development to be considered.

Pre-application discussions with the Transport Consultant had taken place prior to the withdrawal of the Draft Wealden Local Plan and so these discussions, which may have agreed methodology scope for a transport assessment has been superseded as a result of the material change in strategic planning circumstances.

The response that I can provide at this stage will be very limited and based on the physical proposals for access and existing provision for non-car accessibility. Traffic impact can only be assessed through a coordinated town assessment that takes account of viable sites coming forward.

Response

This outline planning application seeks consent for access to serve up to 90 dwellings served from Eastbourne Road, Uckfield. A transport assessment (TA) supplements this application, the content of which does not fully consider the impact of the development. An interim Travel Plan has also been provided, of which the principles are accepted. A highway scheme has been proposed to improve accessibility for those on foot and using public transport and although this would enhance travel choices, there are further considerations to be given.

Details within the TA refer to the access position, which is located approximately 65m west of the roundabout serving Teelings Drive. Eastbourne Road in the vicinity of the site is subject to a speed limit of 40 mph. Actual speeds were surveyed here 4-10 February 2020 and the outcome is that 85th percentile speeds marginally exceed the limit (41.9 mph EB; 41.3 mph WB), and mean speeds 37.2 mph and 36.7 mph EB/WB respectively. The recent survey represents a slight increase in speeds that the previous survey submitted for the former planning application that was refused.

Eastbourne Road is a 'C' classified road serving as a bus and HGV route. Bus services 28 and 54 and 318 can be reached from stops in Eastbourne Road, the most regular service 54 (hourly) and less frequent service 28 and school service 318 (Ringmer College).

Crash data from Sussex Police records indicate there has been 1 slight injury crash in the past 36 months up to 31/03/2020, within 500m of the proposed access position. This related to a vehicle pulling out of the junction New Road onto Eastbourne Road into the path of another vehicle (driver error). The Highlands Roundabout and Teelings Drive Roundabout have operated safely in this period.

Accessibility to nearby public transport and local amenities had been considered at the last application submission and the provision to be able to walk/cycle to town centre was available using quieter road and public rights of way as well as the main highway roads Eastbourne Road and Newtown. There is a short section of footway on Eastbourne Road between New Road and the site that has been identified as requiring enhancement for purposes of the development proposal, requested at last application to be discussed later in this report.

Site access

Sufficient details are required to determine if access is acceptable for a 90-dwelling development in terms of safety and deliverability. The requirements for an access on to a strategic section of the highway network where speeds are 40 mph are appropriate visibility sightlines for drivers when emerging, suitable gradient and junction geometry for vehicles requiring regular access, access provision for pedestrians and cycles. Access is not a reserved matter within this application. The details submitted within this application are indicated within the transport document as being plan 19-T016_05A. This has not been submitted, nor is this attached to the transport document.

Footway proposal

As previously agreed, a footway improvement scheme is included within the planning proposal but is not provided on a submitted plan either as part of the application or within the Transport document.

The road safety audit refers to the access drawing but it is not provided. This plan should provide:

- 1) Access position, geometry, gradient and visibility sightlines shown
- 2) Highway improvements
- 3) Footway connections
- 4) Access provision to PRowS

Summary

The modelling scope for this proposal will need to be agreed through discussions with the Planning and Highway teams, and access plans are required for purposes of re-consultation.

Second Consultation

OBJECTION due to insufficient information

Early part of consultation response repeats text from the first response and is not repeated here.

Site access

Sufficient details are required to determine if access is acceptable for a 90-dwelling development in terms of safety and deliverability. The requirements for an access on to a strategic section of the highway network where speeds are 40 mph are appropriate visibility sightlines for drivers when emerging, suitable gradient and junction geometry for vehicles requiring regular access, access provision for pedestrians and cycles. The details submitted within this application are indicated within the transport document as being plan 19-T016_05A. This shows the access, gradients, footway provision and there are accompanying plans showing tracking for refuse truck. The RSA stage 1 is also provided which has resulted in the rev A drawing. I am of the view that the problems addressed can be addressed at stage 2 detailed design – protection for pedestrians where the land levels fall into the site, landing gradient for the access being 1:50 for first 15m. These can be provided within the site and are likely to be achievable. The site access is acceptable for purposes of this application, in terms of pedestrian and vehicular access. The access construction would require a s278 agreement.

Footway proposal

As previously agreed, a footway improvement scheme is included within the planning proposal but is not provided on a submitted plan either as part of the

application or within the Transport document. This would be subject to a s278 agreement.

Summary

The modelling scope for this proposal will need to be agreed through discussions with the Planning and Highway teams, and access plans are required for purposes of re-consultation. The main thrust would be to consider the impact of junctions directly approaching the town centre – Framfield Road, and Bell Lane junctions.

Third Consultation Response

OBJECTION

This additional response follows the submission of a Transport Assessment Addendum (TAA) on 5 October 2020, in response to the highway response provided below for ease of reference.

The content of the TAA consists primarily of evidence to represent a sensitivity test of the expected highway impact on a set of selected junctions, agreed by this authority within a scoping exercise preceding the submission of the TAA.

Previously, the aspects of ‘access’ for both motorised and non-motorised provision were discussed and was flagged up that vehicular access and footway provision to directly serve the site and footway widening on Eastbourne Road had not been formally submitted as a plan. The drawings were in fact included within the TA as originally submitted, though ideally should be a separate submitted plan. The outcome is that the access provision has been audited and there are minor matters that are not considered to be insurmountable. Direct motorised and pedestrian access are sufficiently addressed within this application where the site connects to Eastbourne Road.

The matter that is outstanding is the impact onto the existing highway network during the peak periods.

The junctions that were agreed within the scope for the TAA are:

- Framfield Rd/New Town/High St – Signal junction;
- B2102/High St by Boots – Signal Junction;
- A22/Eastbourne Rd/Harveys Lane – Priority Junction; and
- Tesco/Bell Lane/B2102 – Roundabout Junction.

It is not currently considered appropriate, due to the consequences of Covid-19 on traffic flows, that fresh surveys be commissioned and so it was advised that former ESCC commissioned surveys (2018) be acquired to assess the impact on the highway network.

Predicted development trips have been calculated using appropriate TRICS data, and it is expected that 48 trips are generated in the AM peak (36 departures and 12 arrivals); and in the PM peak it is expected that 47 trips are generated (30 arrivals and 17 departures).

The distribution of these trips is a key consideration for this application, and how they impact on the existing network. The junction listed are those that are critical to the operation of the Uckfield town centre network. It is also known that most of these junctions operate with conditions that are over capacity during the peak periods and already experience significant delays. Furthermore, consideration is required to be given to background growth and committed development. This is included in the TAA (para 3.8).

Modelling of the junctions has been carried out and considers:

- 1) Observed
- 2) 2025 baseline - Observed with growth factor and committed development
- 3) 2025 development – 2025 baseline + development 90 units
- 4) 2030 baseline
- 5) 2030 development

Looking at junction impact analysis, the development trips when added to the listed junctions in the town centre show that the added trips result in a less than 1% in the AM and PM peak hour periods, or 15 vehicles on Framfield Rd/Newtown/High Street signalised junction; 15 vehicles at B2102/High Street; 11 at Tesco/Bell Lane/B2102. It is agreed that the level of traffic is low and over the course of the hour is not discernible. However, it is necessary to consider the principle of adding further traffic onto the network by ascertaining there is sufficient capacity available to accommodate the levels that would be generated by this proposal.

Table 4.3 sets out the junction High Street/Newtown/Framfield Road signalised junction. This has been derived from data provided by ESCC for a survey dated 17/05/2018 (Thursday). This junction currently operates at capacity with 1361 vehicles passing through in the AM peak and 1504 vehicles passing through in the PM peak. The peak hour flow rates are 0.945 AM and 0.924 PM which indicates that throughout the hour the level of traffic passing through stays relatively constant (close to 1). The junction continues to operate above its capacity when applying the scenarios for 2025 and 2030.

Table 4.4 looks at the High Street/Bell Lane signals junction and depicts a similar outcome, with all arms at capacity in all scenarios. Table 4.5 looks at the Tesco roundabout on Bell Farm Road/B2102. The early peak hour used is 10.30-1130 AM which does not consider the AM standard peak of 0800-0900 or how efficiently this roundabout functions in that time period. From using Google Maps 'typical traffic' function as well as officer observation it is clear that on any weekday the standard AM peak period sees queues for the Bell Lane signalised junction beyond this roundabout. The demand towards the town centre sees traffic waiting at the Bell Lane signalised junction which affects the operation at this roundabout.

The junction also added to the scoping requirement is Eastbourne Rd with A22 and Harveys Lane. This route is likely to be best suited to those wishing to join the A22 towards Eastbourne as it is a left turn. Towards Harveys Lane which is a cut through to the A26 is more difficult as it requires a right turn across two lanes of moving traffic. The constraints of this assignment of traffic is that right turn manoeuvres are unlikely to be convenient in the peak periods and journeys from the site towards the A26 Lewes direction are likely to result in additional traffic using New Road. This route had already been traffic calmed in response to the development built at Fernley Park to prevent this being used to cut through to the Lewes Rd, as it is mainly residential dwelling reliant on street parking and narrow footway on one side. The junction New Road with Lewes Rd has obstructed visibility looking north as a direct result of on street parking. The result of town centre congestion is likely to push more traffic on New Road which cannot be supported.

Presented evidence that demonstrates that the town centre junction links operate above capacity provides a case that development traffic would not be encouraged into the town centre in peak times unless it has to. There is likely chance that the traffic re distributes onto less desirable routes, like New Road or attempts to join A22 northbound by making right turns at Eastbourne Rd junction with A22 (other suitable routes onto A22 have roundabout junctions).

There is a reference within the TAA, that a signal optimisation system has been considered for installation on central town signalised junctions to assist movement through during times when demand is greatest. I have been advised by the East Sussex Highways signals team that installation of MOVA optimisation is not programmed in the near future and so the capacity improvements provided cannot be considered as material evidence for this application. This is not to say that signals optimisation for the town centre is not an appropriate solution and there is a strategic requirement that any highway intervention to improve the flows of traffic also consider the wider demand for housing and futureproofing the network. The context of improvements to Uckfield highway network is recognised as necessary should other sites that propose housing in the Uckfield area be supported from a policy standpoint by Wealden District Council.

Whilst East Sussex Highway Authority is involved in discussions to consider the wider growth of the town including a number of sites, this will certainly require securing a package of highway related mitigation and improvements from prospective developers to ensure that the cumulative growth can be accommodated and sustainable travel modes exploited. This development proposal is not committed nor allocated and would unjustly compound the existing capacity problems in Uckfield and therefore be expected to be mitigated by other prospective developments should consent be granted prior to the package of mitigation being identified for other sites.

Mitigation proposed by the applicant for this proposal is site specific in that it includes footway widening for Eastbourne Road. Given the town centre traffic problems in peak times, the footway widening would not be sufficient to mitigate unnecessary local journeys by car. Although the footway widening has merit in reaching the nearby bus stops, its inclusion is not likely to mitigate vehicle trips to

the town centre (local schools and employment) where there would still require a walk after arriving to the closest bus stop and so from an economic perspective of time, distance and cost, a car owner is likely to use a car for this type of journey.

There is a need to achieve sustainable transport improvements in this part of the southern edge of Uckfield to integrate the site into the built-up environment. The following examples would potentially provide links that offer viable travel choices that appeal as attractive and safe.

There would be benefit also to enhance the crossing point to allow a relatively traffic free passage to Mallard Drive where Harlands primary school is located. I have observed this route and from the site the surface is largely unmade and is unsuitable in poor weather and in places has uneven levels through the wooded area due to tree roots. There would be some benefit in improving this PROW 28 though it is noted that there are 3no 3rd parties who would need to agree as well as the respective PROW teams at District and County authorities. The land this affects is between Eastbourne Road and Bullfinch Gardens; northern section of Swift Close where it meets the public open space up to the footway opposite Harlands School. This would provide benefit in reducing AM peak journeys to the primary school made by private car.

In addition, given the distance from the town centre, routes for cycling that avoid roads with speed limits above 40 mph or highly trafficked would be beneficial and gain user attraction. Given the current network available, links from the site would need to connect to minor roads or rights of way that can be upgraded.

It can be concluded that for the highway authority to be able to accept development in this location it would need to demonstrate that there would be no detriment on the basis that an already recognised severe network in capacity terms should not be further exacerbated even with a small number of trips in peak periods as this adds risk to road users and potentially compromises road safety. Therefore, I would reconsider the proposal so that:

- 1) It is part of the overall strategy for growth in Uckfield and is modelled to assess the cumulative impact and contributes towards the town centre mitigation package of highway works (it is not known at this early stage whether this is financial or constructed);
- 2) the applicant presents a localised site specific mitigation strategy through schemes such as the walking and cycling enhancements referred earlier, alongside a robust travel plan that includes £100 voucher for cycle equipment, bus taster tickets for 3 months, cycle training, wayfinding signage for pedestrians and cyclists, shopping delivery vouchers.

As submitted, the highway objection is maintained and it is requested that the applicant considers the pathway for this site to be considered as part of the wider town growth study and the development of a sustainable transport strategy for this site to connect to the town centre without reliance on the private car. This would be to accord with paragraphs 109 and 110 of the NPPF.

Fourth Consultation Response

NO OBJECTION subject to the imposition of conditions and legal agreements.

This response is provided following discussions with the applicant's transport consultants to seek appropriate highway mitigation within Uckfield town centre. A scheme design option has been submitted and is considered an appropriate measure, which would alleviate the congestion of traffic at Bell Lane/High Street.

This process to seek mitigation for the additional 15-16 peak time traffic movements included the consideration of signal optimisation at junctions Bell lane /High Street and Framfield Road/Newtown. For both these junctions, the application of either MOVA or SCOOT optimisation programs were deemed to be ineffective and other means to improve vehicle flows through these junctions has been sought. The outcome of discussions is that the installation of a yellow box junction at Bell Lane/High Street would be commensurate and most effective to keep the junction clear where then activities such as parking manoeuvres and vehicles waiting to turn at nearby junctions are within the roads. This would allow the right turn lane to flow freely when currently this, at times, becomes obstructed.

Scheme designs have been provided by the applicant and consultations made to Sussex Police, Road Safety and East Sussex Highways signal/lighting team, one which has a dedicated right turn lane excluded from the yellow box and the other entirely hatched. The principle of a box junction is considered acceptable and through further technical assessment, the decision of either a partial box or full box junction can be decided by the highway authority as part of a s278 agreement.

Each design has raised the issue regarding enforcement by consultees, which due to the absence of Civil Parking Enforcement (CPE), relies on the road markings to be self-enforcing. It is considered in such circumstances that this should not be a reason not to initiate this scheme, as drivers have a responsibility to abide by road signage and markings and the proposed mitigation is likely to be self-enforced.

The scheme proposed for the junction Bell Lane/High Street is considered to be acceptable for planning purposes and to assist the movement of traffic through the junction, and is likely to mitigate the minor increase in traffic on peak periods as well as during other times during the day, and represents benefit, fitting the scale of the housing scheme.

The highway objection presented regarding town centre impact is considered to be addressed by this proposal and other matters to consider are pedestrian improvements. There would be difficulties in seeking to improve PRoW 28 where there is 3rd party ownership involved and it is argued that with the footway improvement proposed by the applicant on the south west side of Eastbourne Road and presence of an uncontrolled crossing that links to Goldcrest Drive, that there is a route for pedestrians to reach Harlands School in inclement weather and option to use the PRoW during drier periods.

The Road Safety Team has been contacted by the local member with regard to the operation of roundabout Teelings Drive and it is noted that it has on occasion been poorly used with vehicles entering in the wrong direction. It is sought, on grounds that the road will see an increase in traffic that the approach to the roundabout from the site should be supplemented with additional signage such as “Reduce Speeds Now” and a supplementary road map sign. To assist deflection verge planting is sought for the section of highway on the southwest side of the roundabout.

Summary

The access details at the site have been agreed in previous response and the details for the proposed vehicular access and footway have been set out in submitted drawings. A RSA1 supplemented this and a number of minor problems were highlighted which are considered to be easily overcome through further technical checks at S278 stage. Swept path plans have been provided also which demonstrate the largest vehicle being able enter and egress.

- The access/footway drawing – 19-T016 – 05A
- Swept path drawing - 19-T016 – 07
- Proposed Yellow box markings (full box)– 19-T016 – 08A
- Proposed Yellow box markings (partial) – 19 – T016 – 08
- Development framework drawing – 5979-L-102 indicates pedestrian connectivity to the south to link to PRow 15a, 15b and 38

These drawings are considered to be acceptable for outline planning purposes where ‘access’ is sought.

The following are required to be secured within a s106 agreement:

- a) Access/footway and junction realignment at New Road/Eastbourne Road junction (s278 agreement)
- b) Off-site supplementary road signage and planting at Teelings Drive Roundabout
- c) Yellow box junction markings at Bell Lane/High Street
- d) Travel Plan for 5 year term and £4500 audit fee as per ESCC Travel Plan guidance 2020
- e) Confirmation whether internal roads are to be adopted for securing as part of a s38 (applicant is required to confirm at outline stage)

Details for layout, landscaping, design and scale are to be considered at reserved matters stage.

Recommended conditions

The development shall not commence until technical details of the layout of the new access and footway have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the

For: Planning Committee North
Date: 1 April 2021

development hereby permitted shall not be occupied until the construction of the access has been completed in accordance with the agreed specification.

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

The access shall not be used until visibility splays of 2.4m by 106m Westbound and 65m eastbound (to roundabout exit) are provided in both directions and maintained thereafter.

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

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

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

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

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway. The proposed garages shall measure at least 3m by 6m (internally).

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

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

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

The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed;

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

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 their subsequent adoption as publicly maintained highway

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

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

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

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

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

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

Southern Water Services

NO OBJECTION

The attached plan shows that the proposed development will lie over an existing public foul sewer and rising main which will not be acceptable to Southern Water. The exact position of the public foul sewer and rising main must be determined

on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The 150 mm foul sewer and 100 mm foul rising main requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways should be located within 5 metres of public sewers.
- All existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Furthermore, 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.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
southernwater.co.uk/infrastructure-charges

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, 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 technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage 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 Sewers for Adoption standards 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.

Environment Agency

No response received

ESCC LLFA

The LLFA have sought a considerable level of detail, which the applicant has largely provided. Details below (and commentary in main body of report)

First Consultation Response

OBJECTION due to insufficient information.

The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. The LLFA will respond in 21 days of receipt of the requested information.

It is our understanding that the above application seeks to secure outline planning approval for the site, with all matters reserved excluding site access. The proposed surface water drainage strategy shows that surface water runoff from the development will be attenuated within three surface water basins. Surface water will be then discharged offsite at a controlled rate via two outlets located along the western portion of the southern boundary. Although not explicitly stated, it is understood from the submitted drainage strategy drawing (drawing 011) and Flood Risk Assessment report that the two proposed outlets are to discharge surface water to an existing ordinary watercourse located to the south-west of the site, which was identified during a site walkover. This watercourse is not shown in the submitted plans and therefore we are unsure of its location and where it ultimately discharges to. From the information provided, it is unclear whether the proposed outfall connection would need to be built offsite, in which case third-party agreement would be required.

Bearing in mind that an alternative point of discharge from the application site is not apparent, we request that further information is provided regarding the viability of the proposed method of disposal of surface water. We request that the applicant provides further information on the location of the watercourse, its ability to convey surface water flows arising from the site and its discharge location. We would also need to see evidence that the proposed connection can be achieved via gravity. In addition, if the proposed outfall crosses land owned by a third party, the applicant should submit evidence that the owners of the third-party land authorise the passage of any drainage asset through their land. Failure to secure an outfall may compromise the viability of the scheme and therefore, we seek that this information is provided at this stage.

Second Consultation Response

OBJECTION due to insufficient information.

The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. The LLFA will respond in 21 days of receipt of the requested information.

The applicant has not provided information to demonstrate that the watercourse the development is proposed to discharge to is in a suitable condition to convey the additional flow. Such information should be in the form of photographs and measurements of the watercourse in its current state.

In relation to this, we note that the development site is split into three separate surface water catchments. However, the intention is to drain all surface water to a single point of discharge at a discharge rate calculated for the entire site area. This would increase the amount of water discharging to this watercourse and subsequently, could increase flood risk downstream. We would expect the

discharge rate for the development to be based only on the contributing catchment, rather than the entire development site to avoid increasing flood risk.

Third Consultation Response

OBJECTION due to insufficient information.

Following review of the catchment study report, we accept that the ordinary watercourse termed 'Watercourse 1' in the report would, under the current conditions, have sufficient capacity to convey flows into the Ridgewood Stream. However, the report states that there would be a 23 l/s increase in flows entering the Ridgewood Stream catchment during high probability rainfall events (1 in 2 years) and this would not be acceptable.

In view that the two southern development platforms ultimately discharge into the Ridgewood Stream, either directly or via its tributary (Watercourse 1) we would accept for greenfield runoff rates to be calculated based on these two areas. The area of the northernmost development platform, which currently discharges into the Framfield Stream, would need to be excluded from the greenfield runoff rate calculations.

Our preference would be that the above matter is resolved at this stage, before outline planning permission is granted. Nevertheless, if the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely.

1. Surface water discharge rates should not exceed greenfield runoff rates 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 with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. Details of the outfall and how it connects into the offsite watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The condition of the watercourse 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 to the condition of the watercourse should be carried out prior to construction of the outfall.
4. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

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

The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

- 6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed

County Archaeologist

NO OBJECTION subject to conditions.

The application is supported by an abridged Heritage Statement which provides an up-to-date review of the historic environment record and references the archaeological desk-based assessment provided for the previous application for this site (WD/2016/1081/MEA). The apparent lack of archaeological evidence in proximity to the application site is somewhat skewed by the lack of archaeological investigations undertaken. However, recent investigations at the significantly larger Ridgewood housing development site to the west of Uckfield and east of the Uckfield Bypass has identified evidence of Roman and prehistoric (Mesolithic) activity. It is not inconceivable that similar evidence may survive within the current application site. The archaeological significance can therefore be categorised as “un-defined”, with the potential for *significant* archaeological remains categorised as “unknown”. Significance of this site could only be clarified by archaeological fieldwork investigation. Provision should therefore be made in the final layout design for the preservation in situ of any significant archaeological remains identified by archaeological field assessment. It should also be remembered that the NPPF states “*the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted*”

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):

Uckfield Town Council

OBJECTION

It was RESOLVED to strongly OBJECT to this application on the following grounds:

- (i) highway safety and concerns relating to volume of traffic:
 - a new access is being proposed onto Eastbourne Road rather than using the existing roundabout. Why is this?
 - in a previous application for this site, it was requested by ES Highways that assessments be undertaken on the impact of additional traffic on the junction of New Road where it joins both Lewes Road and Eastbourne Road. Have these been undertaken? With an increase in vehicle movements already in the pipeline for Ridgewood (1,000 homes) and Mallards Drive development (119 homes), this could bring this end of town to a standstill and see an increase in traffic congestion. We therefore hope that all traffic surveys and assessments take account of other nearby developments and assess the full impact on small narrow residential road (New Road) which is now going to be massively affected by all of these developments;
 - the application states that ES Highways were previously satisfied with proposals to the previous application WD/2016/1081/MEA. The response we found which highlighted the above did not suggest this. ES Highways had in fact requested further more to up to date data from the developer.
- (ii) lack of concern for archaeological matters on this site. We would expect a thorough geophysical survey to be undertaken in line with previous advice from the ESCC Archaeological department who previously stated that the archaeological significance of the site was undefined.

The area of Mount Ephraim had long links to the brick making industry and its proximity to Ware's pottery may have greater interest for industrial historians. The wider location also has connections with notable air incidents, most notably the loss of Eugene Seghers in 1944, but also the fatal incident following the pre-war mid-air collision of Gloster Gladiator aircraft.
- (iii) Uckfield does not have the infrastructure to cope with this further development, with planning permission already being granted for 1,000 homes at Ridgewood Farm and a further 119 homes off Mallards Drive. - the developer details the Applegate Dentist and Bird in Eye Medical services as being within walking distance of the site. The development off Mallards Drive is in closer proximity to Bird in Eye surgery, and for a surgery that is already at capacity, the impact of 119 homes off Mallards Drive, and a further 90 homes off Eastbourne Road will not be supported by those services currently detailed as being in walking distance. Further provision for medical services, public transport and footway/cycleways needs to be considered as part of or alongside any further development.

- (iv) Sewerage capacity – it's a shame the report was not included and available to read online. Having read feedback provided to the past application for this site, Southern Water stated clearly that they felt they could not accommodate the needs of a further 90 homes, without the development providing additional local infrastructure. They stated that any proposed development would increase flows into the foul sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. It was requested at that time that if WDC approved the application that they add a condition that '*development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation table be submitted.*' And, they requested that the developer enter into a formal agreement with Southern Water.
- (v) drainage and flooding – furthermore, it stated that the land has low infiltration due to clay and shows that the area is in flood zone one, therefore it has to create more surface water run-off. The application states that the developer has been in discussion with the Environment Agency, but we don't have sight of their report, which isn't particularly helpful. The pond which is located behind the industrial estate may attract more surface water and possibly lead to overflowing into the gardens behind the houses on the edge of the land, and industrial estate.
- (vi) existing land use – the site is still being used as grazing land and therefore still needed for agricultural purposes.

We therefore feel a number of the issues identified by the relevant agencies in response to the previous application submitted in 2016, have not been addressed and merely swept over in this application. The submission of an application for a further 90 homes, after very recent applications for 1,000 homes and 119 homes all in close proximity to one another, does not give the town time to adapt to change, nor handle the impact on local infrastructure and increased volume in traffic.

Suggested Response to Town Council

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 is the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and meet the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

Whilst the proposal is contrary to the development plan taken as a whole, paragraph 11d (ii) of the National Planning Policy Framework (2019) (the Framework) applies for the reasons set out in the main body of the report (having regard to a positively concluded Appropriate Assessment). This sets out that that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the Framework taken as a whole. This is known as the 'tilted balance' in consideration towards housing supply. In assessing the application, the impacts identified were not considered to significantly and demonstrably outweigh the benefits of providing additional housing.

ESCC Highways have no objections to the proposed development subject to conditions and completion of a legal agreement to secure the necessary off-site highway works.

Southern Water confirmed in their consultation response they can provide foul sewage disposal to service the proposed development

Conditions have been recommended relating to both foul drainage and surface water drainage.

Other third party responses (including local residents)

13 responses were received, a summary of comments are below:

- No significant changes to the previous applications and previous issues have not been addressed
- Extends too far into the countryside on a greenfield site
- No need for another 90 more dwellings on top of the 300 at Fernley Park and 1000 at Ridgewood Place
- Outside development area
- Sets a precedent for further development along Eastbourne Road
- Already a surplus of property being offered for sale in the area
- More time needed to accommodate and adapt to changes already in area
- Not sustainable development

Infrastructure

- Increase of demand on already overcrowded town
- Improved infrastructure is needed to support more housing
- Lack of capacity in local infrastructure, already inadequate provision for doctors, dentists and schools, already impossible to get a doctors appointment and park at the hospital
- Necessary infrastructure and licences concern by Southern Water
- Increased flows into foul sewerage systems and all third party approvals
- Increased risk of flooding and need for quality surface water run-off systems

Traffic

- Distance from town centre will lead to most journey being taken by car and increasing congestion
- Increase in traffic noise pollution and disturbance
- Impact of construction traffic on neighbouring older properties

- Increased danger of an extra access onto Eastbourne Road, a fast road with speeding traffic creating more risk for pedestrians and joggers and will add to the risk already posed by the Fernley roundabout
- Concern that construction traffic will park in Fernley Park leading to an increase of mud and dust to the area. The access to Fernley Park is already congested by non-resident parking.
- The bypass was built to alleviate traffic congestion on Eastbourne Road. Extra traffic would create a bottleneck to the already constant traffic and increased traffic using New Road
- Impact of extra traffic using New Road as a shortcut from Eastbourne Road to Lewes Road, and an increase of pollution. Traffic already speeds along new Road putting children at risk due to the proximity of the Millennium Green, play area and village hall
- Current rail service makes commuting to London impossible
- Over reliant on use of private cars
- Substantial improvements required to footways on both sides of Eastbourne Road including reduction in speed limits

Amenity & Ecology

- Loss of recreational green space and rural aspect of the public footpath
- Development would be visually intrusive and affect the rural identity of Framfield Parish
- Loss of trees, hedgerows, green fields and wildlife habitats
- Impact on quality of life for residents of neighbouring property and users of Hightree Clinic
- Loss of buffer area for industrial estate
- Existing footpath would be spoilt

Other

- Application does not show second mains water supply to Shipreed Farm
- Application shows removed public footpaths in Shipreed Farm
- The farm track is the main driveway to Shipreed Farm. The application does not make clear what vehicular access is to be made possible for access to Shipreed Farm whilst preventing estate traffic from using it and the second driveway to New Road.
- Concern of trespassing on locally privately owned fields
- Concern as to the length of time for residents to comment
- No EIA

2. Other Relevant Responses/Issues

WDC Biodiversity Officer

NO OBJECTION

I see the eco report summarises that habitats have not changed greatly and protected species assemblages are considered to remain similar. Depending on when/if a reserved matters application is submitted, further survey work may be required considering the age of the original surveys and subsequent updated information.

The proposals do not directly consider biodiversity net-gain and it would be expected this is addressed; potentially at the reserved matters stage taking into account current biodiversity net gain legislation and policies. Ref: Wealden District Core Strategy Local Plan (2013) Policy WCS12 Biodiversity, National Planning Policy Framework 2019 175a and 175d, and emerging Environment Bill (expected late 2021). This may impact the level of development capable onsite depending on onsite/offsite BNG options

WDC Drainage

NO OBJECTION subject to conditions

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 general tidal, sea or fluvial flooding or from failure of a drainage asset such as a canal or reservoir. There is a very low risk of surface water flooding across the majority of the site, with the exception of a small area towards the north-west corner of the site where there is a low to significant risk of surface water flooding. There is no record of groundwater flooding in the area and no groundwater was encountered in the test boreholes and pits.

There are no ponds within the application site but there is one immediately west of the site and others in the surrounding area. There are no watercourses shown on the EA Flood Map within the application site. There is an ordinary watercourse rising about 150 metres west of the south-west corner of the site which flows in a southerly direction towards the Ridgewood Stream. A second ordinary watercourse rises on the opposite side of Eastbourne Road from the north-west corner of the application site and drains in a north-easterly direction towards the Framfield Stream. There is presumably a highway drainage system within New Road and Eastbourne Road.

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

The Geological Map states that the site is on the Wadhurst Clay Formation of mudstones. It is just possible that a small area of the site near the north-east boundary is underlain by the Lower Tunbridge Wells Sand Formation of siltstones, mudstones and sandstones.

Surface Water Drainage

Infiltration is the first recommended drainage method in the SUDS hierarchy but the underlying mapped geology of the site and the presence of ponds and watercourses on the surface around the application site suggests that this is very unlikely to be a usable solution for this site. This was confirmed by the results of the infiltration testing. The applicant has therefore, quite properly, discarded this method of draining the site.

There are adopted, public, surface water sewers in the vicinity of the site; one sited in Eastbourne Road discharging into the watercourse mentioned above and another serving the Ridgewood Industrial Park.

The solution proposed is to split the site into three catchments equating to the proposed three areas of housing. Each is drained by a conventional piped drainage system taking a mixture of roof and road surface water to attenuation ponds sited in the north-west, south-east and south-west corners of the site. The water from the first two of these ponds is proposed to gravitate to a pair of outlets situated adjacent to the south-west pond. From here water is stated to discharge to the ordinary watercourse which runs towards the Ridgewood Stream, described above.

The works to provide these outlets are an integral part of the development and should be included within an extended red site boundary and planning notice served on the relevant third party landowner(s). Given the scheme cannot work without this outlet, I would wish to see an agreement in principle from the relevant landowners (the Uckfield Millennium Green Trust?) to this use of their land. It should be confirmed that the ordinary watercourse is in a suitably good condition to receive the water. Given the fall of only about 0.4 metres between the south-east and south-west corners of the application site, I would wish to see evidence that a gravity link is possible.

In considering the drainage principles proposed for the site, the Lead Local Flood Authority, ESCC, will require full detail in the drainage calculations used to design the system and Wealden, as the planning authority, would support this request. The calculations should prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus 40% climate change allowance.

Maintenance activities for the surface water drainage system are considered and it is stated that it will be via a site management company to be set up by the site owner. To this end, consideration should be given as to the siting of as much common drainage as possible within public open spaces and the need for adequate maintenance access to all drainage features. A generic maintenance schedule is provided but the Council would expect to see details of a site specific maintenance plan in due course when a surface water drainage scheme is finalised and before first occupation.

In my opinion, the information provided within this application is adequate for this application subject to the caveats mentioned above. 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.
- 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.
- iii. Supply full hydraulic calculations to the correct level of climate change (40%), to the satisfaction of the Lead Local Flood Authority.
- iv. Provide proof of agreement from the landowner(s) to accept the surface water discharge from the site into their watercourse and evidence of the condition of the receiving watercourse.

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 paragraph 103 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 Footpaths

NO OBJECTION

As shown on the attached plan, the legal line of public footpath Framfield 65a/Uckfield 38 runs north to south through the centre of the application site. Public footpath Uckfield 15a abuts the south-western boundary of the application site.

From the plans attached to this application, it would appear this public right of way will be retained on its legal line through the proposed new development and so will not be obstructed as a result of this application. I would therefore have no objection to this application on rights of way grounds. In view of the presence of

this public right of way, I would wish the following **condition** to be applied to any planning permission which may be granted:

- a). "that the public right of way shall remain clear and unobstructed at all times, both during and after the construction period."
- b). "that all public rights of way waymarking shall be retained both during and after the construction period and that the existing gates be replaced with gaps."
Reason "Protection of public amenity".

The "offsite informal footpath" shown on the development framework map is only achievable if agreement can be reached with the relevant landowner(s).

Also please add the following **note** as an informative:-

"It would seem that a temporary footpath diversion or closure under section 14 of the Road Traffic Regulation Act 1984 will be required for safety reasons whilst the work is carried out and the applicant should be advised to contact the highway authority (ESCC) to this effect."

WDC Housing

NO OBJECTION

This response is provided having regard to the Wealden Local Plan 1998, Core Strategy 2013, Affordable Housing Delivery Plan 2016 and National Planning Policy Framework 2019.

Policy AFH1 of the Affordable Housing Delivery Plan 2016 requires 35% of the units to be affordable housing. The dwelling size, type and tenure of the (up to) 32 affordable units would be decided at Reserved Matters stage with the Housing Service providing further input at that time to ensure the mix meets the identified housing needs of the local area.

The NPPF 2019 states that developments "should expect at least 10% of the homes to be available for affordable home ownership". However, Policy AFH1 is informed by the Strategic Housing Market Assessment (2015) and on a site of this size seeks a split within the affordable housing units of 40% social rent, 40% affordable rent and 20% intermediate [shared ownership] accommodation.

A recent breakdown of the applications on the housing register in terms of the size of accommodation that applicants' require is set out below:

Bedrooms required	Number of applicants	Percentage of register
1 bedroom	395	50%
2 bedrooms	234	29%
3 bedrooms	134	17%
4 (+) bedrooms	33	4%
Total	796	

This breakdown is indicative of the need for smaller units and will be considered when we are consulted on the proposed mix of units.

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

Other design requirements of Affordable Housing- Guidance:

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

Other requirements for the affordable housing are that:

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

WDC Waste Management

NO OBJECTION

We have no objection to the proposed development; however design points for consideration at detailed design stage were highlighted. These comments can be viewed on the Council's web site www.wealden.gov.uk under the application reference.

WDC Pollution Control

NO OBJECTION subject to conditions

Potentially Contaminated Land

The Ground Conditions Desk Study by Hydrock, dated April 2016, Ref : R/13747/001 has been considered for this application. This report recommends further site investigation to confirm the contaminative status of the site and this has been recommended as a condition

Noise

The Noise Assessment Report, dated February 2020 by Wardell Armstrong, Ref: GM10885 has been considered.

This assessment has limited data as the noise assessment was an attended survey occurring on one morning only, from approximately 4am to 11am. Data obtained between 4am to 7am was used as a night time LAeq, and data from 7am to 11am was used as a day time LAeq. However, this data was obtained for several locations, with each location only providing 20 to 40 minutes worth of data for each period. Therefore, there is some uncertainty with respect to the values used in this assessment and how accurately they represent the LAeq,16hr, day-time noise level (0700 to 2300 – 16 hrs) and a LAeq,8hr night-time noise level (2300 to 0700 – 8hrs).

While the data is limited, it is noted that the consultants have generally erred on the side of caution in their assessment, taking what appear to be reasonable worst case measurements and scenarios in order to undertake their noise risk assessment and present potential mitigation measures. For e.g., their readings for traffic noise were on the whole, taken during some of the peak traffic flow period in the morning and the BS4142 assessment (below) used the quietest background level measured on site, which was measured at a location furthest away from traffic and industry. It is also noted that the consultants state that details of glazing and ventilation can be provided at the reserved matters stage in addition to an acoustics, ventilation and overheating assessment.

Therefore, a more detailed traffic noise assessment has been recommended as a condition below. The data from such a survey should then be used to develop a more detailed scheme for glazing and ventilation, taking into consideration the overheating scenario. It is highly recommended, in line with the consultants recommendations, that good acoustic design is used in the final plans, in line with ProPG. BS4142:2014 noise assessment due to the neighbouring industrial site The consultants have outlined that without mitigation, there is likely to be a significant adverse impact (SOAEL) at residential properties. During the day, this is caused by bangs, beeps and industrial type noise from the industrial units next door and during the night, this is caused by fan noise. Overall it seems that some mitigation can be put in place to reduce the SOAEL so that there is a low to adverse impact on residents, from industrial type noise. Currently for example,

they recommend a 2.5m high acoustic barrier (fence or bund and fence) in order to achieve satisfactory levels for day time noise. However, the employment of good acoustic design for the properties could mean that such a high barrier would not be needed. Additionally, it should be noted that the agent of change principle, as outlined in 182 of the NPPF needs to be considered for this application. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent 60 See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010).53 of change') should be required to provide suitable mitigation before the development has been completed.

As outlined above, if the plans lack noise mitigation, it seems that noise levels from the commercial premises next door, could affect future residents, resulting in a Significant Observed Adverse Effect Level.

Noise conditions have been recommended. While the data used for this report may actually represent (or be close to) the long term noise levels found for the day time period (0700 to 2300 - 16hr) or night time period (2300 to 0700 - 8hr) the limited nature of the data means that this is uncertain. Consequently, this data shouldn't be used in the detailed design of the glazing and ventilation or for the BS4142:2014 assessment.

Longer term monitoring over a minimum of 48 hrs and preferably, a week, is required in addition to some up to date attended monitoring. This would identify the typical noise levels for this area and all of the potential sources of noise on the industrial estate that might affect future residents.

Air Quality

The Air Quality Screening Report by Wardell Armstrong dated 10th February 2020, ref GM10885/SKL/MTW/AQA001 has been considered. Previous correspondence with Environmental Health outlined that a detailed air quality assessment was not required, but an air quality mitigation cost calculation was, in line with Sussex Guidance.

Pre-Application Matters

No pre-application advice was undertaken prior to the submission of this application.

3. Relevant Planning History

Application No.	Description	Decision and Date
T/1967/961/O	RESIDENTIAL DEVELOPMENT	REFUSED 11 October 1967
WD/1991/3453/O	ERECTION OF SINGLE STOREY LIGHT INDUSTRIAL UNITS BI CLASS	REFUSED 11 February 1992

Application No.	Description	Decision and Date
WD/1996/2037/O	ERECT UNITS CLASSES B2 & B8 WITH ACCESS ROAD FOR CAR, VAN, LORRY PARKING	REFUSED 27 September 1996 APPEAL DISMISSED 25 November 1997
WD/2014/1734/F	APPLICATION FOR GRAZING, THE ERECTION OF STABLE BLOCK WITH ASSOCIATED HARD STANDING, FENCING, VEHICULAR ACCESS AND ACCESS TRACK.	REFUSED 13 October 2014
WD/2015/0793/F	APPLICATION FOR GRAZING, THE ERECTION OF A STABLE BLOCK WITH ASSOCIATED HARDSTANDING, FENCING, VEHICULAR ACCESS AND ACCESS TRACK.	APPROVED (COND) 3 June 2015
WD/2015/6504/SO	SCREENING OPINION FOR RESIDENTIAL DEVELOPMENT	EIA REQUIRED 26 August 2015
WD/2015/6506/SC O	SCOPING OPINION FOR RESIDENTIAL DEVELOPMENT	OPINION GIVEN 19 October 2015
WD/2016/1081/ME A	OUTLINE PLANNING PERMISSION FOR UP TO 90 RESIDENTIAL DWELLINGS (INCLUDING UP TO 35% AFFORDABLE HOUSING), INTRODUCTION OF STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA, SURFACE WATER FLOOD MITIGATION, VEHICULAR ACCESS POINT FROM EASTBOURNE ROAD AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN SITE ACCESS.	REFUSED 25 August 2016 APPEAL WITHDRAWN 23 March 2017
WD/2020/6501/SO	REQUEST FOR SCREENING OPINION FOR RESIDENTIAL DEVELOPMENT	NO OPINION GIVEN

4. Details of Case

The Application Site

The 4.16 hectare site is located on the south eastern edge of the urban area of Uckfield, with Ridgewood Industrial Park to the west and Eastbourne Road to the north and the existing residential development of Fernley Park beyond. To the east, the site is bordered by open land and existing residential properties with Eastbourne Road and further open land beyond. To the south and south west, the site is bordered by a farm and open land.

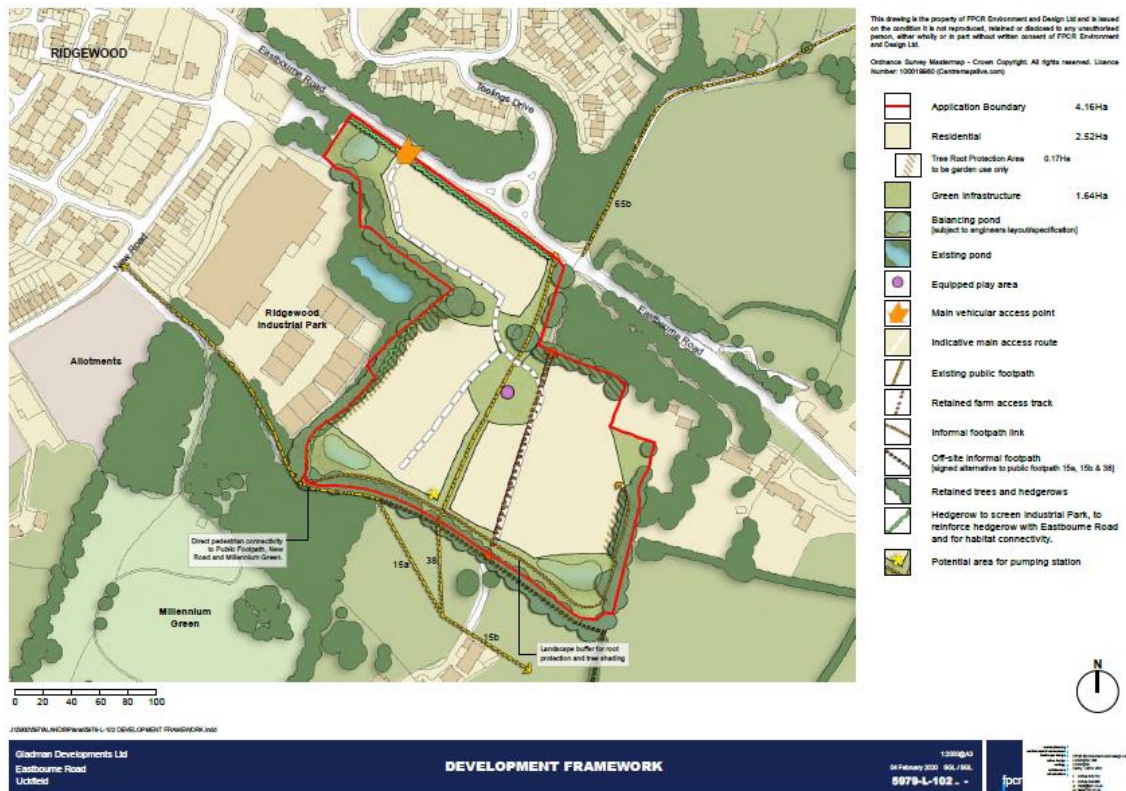


The site comprises two fields which are bounded by hedgerows containing a number of mature trees and to the south and east open countryside.

Access to the site is proposed via a priority T junction off Eastbourne Road.

The Development Proposals

The application seeks outline planning permission for up to 90 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point from Eastbourne Road and associated ancillary works. All matters to be reserved with the exception of the main site access.



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

- Development Framework Plan
- Planning and Affordable Housing Statement
- Socio-Economic Sustainability Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Ecological Appraisal
- Report to Inform a Habitats Regulation Assessment
- Arboricultural Assessment
- Heritage and Archaeological Appraisal
- Ground Conditions Desk Study
- Flood Risk Assessment
- Foul Drainage Analysis
- Utilities Statement
- Air Quality Screening Report
- Noise Assessment Report
- Transport Assessment
- Interim Travel Plan
- Statement of Community Involvement

The following additional information has been submitted and reconsultations carried out:

For: Planning Committee North

Date: 1 April 2021

- Indicative Attenuation Basin Locations date stamped 19 August 2020
- Transport Assessment Addendum date stamped 5 October 2020
- Surface Water Drainage Response to ESCC LLFA date stamped 19 October 2020
- Dwg 08 Proposed Yellow Box Markings for Bell lane and High Street Junction date stamped 8 March 2021

A Screening Opinion was submitted to WDC on 24 January 2020 under application reference WD/2020/6501/SO. No opinion was issued within the 21 days. However, following the submission of this outline planning application, the application was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended). The development is not considered to fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended). The development is wholly outside any sensitive area and does not exceed the screening thresholds, accordingly no EIA is required.

Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)

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 216 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 19 February 2020, Wealden District Council formally withdrew its draft Wealden Local Plan 2019 following its Stage One examination process.

Relevant Policies

The National Planning Policy Framework (NPPF) in force from February 2019 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 8, 10, 11, 12, 48, 49, 50, 102, 103, 108, 109, 122, 127, 163, 165, 170, 175, 177, 178, 180, 189 and 192 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 continues to form part of the Local Plan.

- Policies WCS1, WCS4, WCS6, WCS7, WCS12, WCS13 and WCS14 of the Core Strategy Local Plan.
- Saved Policies GD2, EN1, EN2, EN8, EN12, EN14, EN15, EN27, EN29, DC17, TR3, TR16, LR1, LR2, LR3 and CS2 of the adopted Wealden Local Plan 1998.
- Policy AFH1 of the Affordable Housing Delivery Plan.

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

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), 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 73 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%.

As set out in the “Five Year Housing Land Supply Statement - as of 1st April 2020” published December 2020, the Council confirmed it could previously demonstrate 3.75 years (or 75.1%) supply of its housing requirements, applying a 5% buffer.

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 2020 and this confirms that Wealden District Council had a result of 83% against its housing

requirement. The implications of this result means that the local planning authority is immediately required to use a 20% buffer for its five year housing land supply position rather than a 5% buffer previously used. Therefore, the Council's five year housing land supply position, as of the 1 April 2020, has been recalculated as 3.28 years (or 65.6%). This figure is now to be used for the purposes of determining planning applications and planning appeals.

Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. The presumption in favour of granting planning permission under Paragraph 11 of the NPPF does not automatically apply where Footnote 6 of the NPPF applies, and policies of the NPPF provide a clear reason for refusal. However, the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development.

Principle of Development

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

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

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

The application site lies within open countryside as defined by the Local Plan and has therefore been advertised as a 'departure' application. Policies within the development plan resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites) as set out in saved Policies GD2 and DC17 of the Wealden Local Plan 1998 but also in national guidance through the NPPF. The supporting text of Paragraph 5.91 to Policy DC17 sets out the range of special justifications for allowing

development outside development boundaries. Outside of development boundaries, residential development is generally resisted in accordance with Policy GD2. The proposed application does not comply with any of these exceptions, nor does the site qualify as a Rural Exceptions site under Policy WCS9 of the Core Strategy Local Plan 2013. The application site which lies in open countryside therefore conflicts with Policies GD2 and DC17

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

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

The development boundary for Uckfield has been retained as the town has been categorised as a District Centre. Paragraph 3.6 of the CSLP indicates that development boundaries may be moved where housing growth indicates that it will be required which would be undertaken as part of the Site Allocations DPD. This is formalised by Policy WCS6 which advises that retained or new development boundaries will be reviewed as part of the Delivery and Site Allocations DPD as appropriate. The adopted CSLP clearly accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required and also clearly identifies Uckfield as a suitable location for development. Indeed Figure 11 of the CSLP indicates the retention of the development boundary at Uckfield and under Policy WCS2 Uckfield is allocated for an additional 1000 dwellings on SD1 Land at West Uckfield. Whilst planning permission has been granted for 1000 homes at Ridgewood (and indeed is based on housing growth that does not represent full objectively assessed housing need) policy WCS4 postdates the 1998 Local Plan and has clearly identified this sector of Uckfield as a direction of growth for the town. This is part of a spatial strategy that recognises the need to breach the 1998 settlement boundaries in order to deliver the housing and community needs of the town. Thus, the scheme's location outside the settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

To conclude, it therefore follows that the development boundary around Uckfield and the saved policies that refer to it, are, in practical terms, out of date and that in having regard to National Planning and Core Strategy policies relating to sustainable development that significant and demonstrable harm needs to be demonstrated for the proposed application to be refused.

Prematurity

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

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

Paragraph 50 goes on to state:

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

Taking these points in turn:

- (a) The scale of the development proposed for up to 90 dwellings is undoubtedly classified as a major development. However, in the context of the housing requirements for the District as a whole, it is not considered to be significant or excessive in scale. 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 NPPF, a grant of planning permission for up to 90 dwellings would not undermine the plan making process for the new Local Plan by predetermining decisions about the scale, location or phasing of development that are central to it.
- (b) Following the withdrawal of the Submission Wealden Local Plan it is not necessary to consider test (b) under paragraph 49 of the NPPF

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

Consideration of Statement of Heritage Significance

A Heritage Statement accompanies the application and considers the archaeological potential of the application site and the likely impacts of the currently proposed development upon the archaeological and built heritage resource.

ESCC Archaeologist has confirmed that the information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged but it is acceptable that the risk of damage to archaeology is mitigated through a programme of archaeological works which has been conditioned.

No designated heritage assets are located within the site; the nearest designated heritage asset is a Grade II Listed Building, Cysleys Farmhouse, located c.200m east of the site. It is considered that there will be no impact on the setting of the nearby Grade II Listed Building, Cysleys Farmhouse due to the intervening dense tree planting along Eastbourne Road.

Impact on Neighbours/Local Area/Landscape

The site has relatively few direct neighbours and where there are neighbours, they are set some distance from the site boundaries, where on the whole significant landscaped buffers already exist and can be maintained and improved. High Trees House overlooks the eastern sector of the site. It is considered that with a suitable design at reserved matters stage, the development would not have any adverse impact on any of the neighbouring properties and residents.

The site has a frontage onto Eastbourne Road and dwellings are proposed along this northern boundary to the east of the access point to the development. This built form will have an impact on the character of the streetscape in the early years, though with the establishment of the proposed replanted hedgerow the visual impact will be significantly reduced over time and will be similar to the context of the Fernley Park estate to the north of the road which through the establishment of the landscaping is largely screened on views from outside of the site. It is acknowledged that the topography of the two sites differ with the application site rising up from Eastbourne Road compared to Fernley Park where the levels drop significantly, nonetheless through detailed design, appropriate setbacks will be sought. Overall, it is considered that the site would be read as a logical extension of the town.

The application is supported by a detailed landscape and visual impact assessment. This report concludes that:

“Overall the landscape setting is not subject to any designations and is recorded in the Wealden Landscape & Settlement Character Assessment as being of moderate capacity to accept development. The Site enjoys a strong landscape structure of hedgerows and trees around its Site boundary and the addition of new landscaping, to reinforce, where necessary, the existing network of vegetation, would be wholly in-line with district level guidance.”

Officers find no reason to disagree with this conclusion. The land is not the subject of any special landscape designations and any views of the site are limited to localised views which over time can be mitigated with appropriate structural landscaping secured through the detailed design process and submission of reserved matters application.

Concerns have been raised about the existing farm track that crosses the site. The Development Framework shows the retention of this access track.

Affordable Housing

The application proposes 35% affordable housing units (or up to 32 units if the total development is 90 units) which is compliant with Policy AFH1 of the Affordable Housing Delivery Local Plan (AHDLP). The Housing Service supports this application.

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

The provision of additional affordable housing, delivered as part of a mixed scheme with 65% open market units, is afforded significant weight in favour of the grant of consent. This will be secured through the legal agreement and suggested conditions.

Housing Mix

The application form does not specify the housing mix however the Design and Access Statement indicatively shows a mix of 14 two bed units, 31 three bed units, 20 four bed units, 7 five bed units and 9 one bed flats and 9 two bed flats.

The actual mix would be determined through the Reserved Matters application as this will also dictate the actual number of units that can be satisfactorily accommodated on the site.

Custom and Self Build

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

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

As at mid November 2019, there are 73 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 were registered in the 31 October 2016 – 30 October 2017 base period, 24 were registered in the 31 October 2017 – 30 October 2018 base period and 20 applicants have been registered so far in the 31 October 2018 – 30 October 2019 base period. No associations are currently enrolled on the self-build and custom housebuilding register.

In the period since 31 October 2016, 94 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 other recent planning permissions considered by the committee.

However, there have been a flurry of recent appeal decisions around the Country on this specific topic. The general thrust of decisions issued is that reliance on a CIL self-build exemption does not necessarily ensure dwellings would be developed in a manner that accords with the legal definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding 2015 (as amended). These are seen as test cases on the subject matter and it appears many LPAs are reacting accordingly.

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 for custom and self-build. 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.

Density/Layout

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

The application is accompanied by a Development Framework Plan (included under section regarding development proposals earlier in this report) and an

Illustrative Masterplan is contained within the Design and Access Statement as shown below.



The illustrative masterplan indicates a developable area for the site of 2.52 ha, with 1.64 ha of allocated green space which would equate to a density of 35.7 dwellings per hectare which on a pure density calculation is considered unacceptable.

However, it should be noted that density can be calculated in a variety of ways and, whether based on units per hectare or habitable rooms per hectare, only provides a broad indication of the intensity of development, but is not particularly effective in predicting or controlling the form of development.

Whilst it is recognised that there is a need to make best use of land, it is equally important that new development should be of quality design and respect the character of adjoining development. Density is not the primary means of assessing design acceptability but of greater importance is the relationship to the site and the surrounding context. Therefore in considering the issue of a development it is the combination of the density plus the relationship of the development to the site, the locality and the ability of the development to meet all the necessary spatial requirements regarding parking, access, amenity space, back to back distances, drainage etc. that is important. Whilst these matters do not form part of the consideration of this application, as they will be determined through the submission of reserved matters, the proofing layout in the form of the illustrative Masterplan provides an effective mechanism of assessing the overall capacity of the site. Whilst the illustrative layout demonstrates there are some issues regarding meeting all the spatial requirements there is sufficient overall site area for these to be met, dependent on the actual housing mix proposed, and with the inclusion of “up to 90” in the description allows flexibility in the actual numbers when developing the detailed design through reserved matters application(s).



Land Contamination

The application is accompanied by a Ground Conditions Desk Study which concludes that based on historic land uses and its current operational use, the overall risk from land contamination at the site is considered to be low for the current development, and low to moderate for a re-developed site, but this would need to be confirmed by appropriate intrusive investigation, testing and assessment of the results of the investigation. It is considered that it is unlikely that the site would be classified as Contaminated Land under Part 2A of the EPA 1990.

The Council's Pollution Control Officer has considered the Ground Conditions Desk Study that accompanied the application and concurs that further site investigation is required. This has been addressed in the recommended conditions.

Noise

A Noise Assessment Report has been submitted in support of the application to assess the impact of noise from road traffic on Eastbourne Road and noise from the industrial units located adjacent to the western boundary. The assessment indicates that mitigation measures will need to be undertaken to achieve the recommended outdoor noise guideline value for dwellings closest to Eastbourne Road and dwellings in the western part of the site closest to Ridgewood Industrial Park.

The Council's Pollution Control Officer has recommended in their consultation response that a further noise assessment should be undertaken. This is because the assessment was based on only one day of surveying and whilst the assessment has adopted a conservative assessment to the potential impacts, it is considered that in order to inform the detailed design and the detailed

mitigation strategy that a further survey is required. A condition has been recommended requiring a further Noise Assessment..

Air Quality

The application was accompanied by an Air Quality Screening Report which considered the potential for air quality impacts during the construction and operational phases of development. The conclusion indicates that any effects would not be significant. Air quality impacts during the construction period would be mitigated through conditions to ensure good working practices. Operational phase mitigation measures would be in accordance with Sussex guidelines and the mitigation measures identified in the report.

Traffic Impact and Access

The application was accompanied by a Transport Assessment and an Interim Travel Plan. A further Transport Addendum has been submitted to address issues raised by ESCC Highways.

The development proposes a new site access off Eastbourne Road via a priority “T” junction located centrally along the northern boundary of the site. The necessary visibility splays can be achieved and the site access will comfortably operate within capacity in both the morning and evening peak periods with the development traffic.



Eastbourne Road is approximately a 6.5m wide single carriageway road subject to a 40mph speed limit. It is a bus route and has street lighting along the site frontage and north west towards the town centre. There is a footway on the south

side of the carriageway which is around 1.2m wide. West of New Road, there is a footway around 2m wide on the north side of the Eastbourne Road carriageway.

In order to provide a more adequate width footway, between the site access and New Road, localised narrowing of the Eastbourne Road carriageway and New Road slowing/turning lane carriageway is proposed. The Eastbourne Road carriageway will be reduced to a minimum 6.3m width. This allows provision of a footway along the site frontage and alongside the rear garden fence of property no. 67, New Road. This footway is 2m wide for the majority of its length aside from an area of approximately 20m where the width reduces to a minimum of 1.5m. Whilst it would be possible to increase this width, it is understood that ESCC were keen to minimise any impact to the width of the main carriageway.

ESCC Highways have also sought that the approach to the Teelings Drive roundabout from the site should be supplemented with additional signage such as “Reduce Speeds Now” and a supplementary road map sign. To assist deflection verge planting is sought for the section of highway on the southwest side of the roundabout. These will be secured as part of the off-site highway improvements secured through the legal agreement

ESCC Highways have confirmed that the access proposals and provision for non-car accessibility to and from the site is acceptable. It is noted that some of the objectors have raised concerns regarding the safety of the access, particularly noting the proximity of the connection to Eastbourne Road in relation to the roundabout serving the adjacent development of Fernley Park. The Highway Authority has confirmed that the access provision has been audited and whilst there are minor matters that have been identified, these are not considered to be insurmountable and will be addressed through the technical design for the S278 works. Direct motorised and pedestrian access have been sufficiently addressed within this application where the site connects to Eastbourne Road.

Following concerns raised by ESCC Highways, further consideration of the vehicular traffic impact on four specific junctions within the area have been carried out, namely:

- Framfield Rd/New Town/High St – Signal junction;
- B2102/High St by Boots – Signal Junction;
- A22/Eastbourne Rd/Harveys Lane – Priority Junction; and
- Tesco/Bell Lane/B2102 – Roundabout Junction.

The cumulative impact of the development has been assessed alongside committed development for 1000 dwellings at Ridgewood Farm.

The highways impact assessment has shown:

- that actual traffic impact as a result of the development will be minimal with a maximum impact of 1.0% (or 15 vehicles) occurring across the

extended network. An impact of this level cannot be considered severe and is unlikely to be discernible from daily fluctuations on the network.

- in terms of junction operation, two of the four junctions assessed, the A22/Eastbourne Road/Harvey's Lane Staggered Priority Junction and the B2102/Bell Lane/Tesco Roundabout Junction will continue to operate well within capacity in the future year assessment scenarios with and without the proposed development traffic added to the network.
- the High Street/New Road/ Framfield Road/Bridge Farm Road Signal Junction will operate above capacity in the AM, PM and Saturday peak periods in both the 2025 and 2030 base future year scenarios without the proposed development traffic added. When the development traffic is added this reduces the capacity by a further 0.7%. This would be a minimal impact that the development traffic is forecast to have on the operation of the High Street/New Road/ Framfield Road/Bridge Farm Road Signal Junction.
- The High Street/Bell Lane Signal Junction is expected to operate above capacity in both the future years and peaks without any development traffic added to the junction. When the development traffic is added to the junction in the 2030 future year scenario, the maximum PRC reduces by 0.5% and 1.6% in the AM and PM peaks respectively. The assessment concludes that an impact of this level would not be discernible from daily fluctuations on the network and as such, the proposed development impact on this junction cannot be considered severe.

ESCC Highways in their consultation response states: *"This process to seek mitigation for the additional 15-16 peak time traffic movements included the consideration of signal optimisation at junctions Bell Lane /High Street and Framfield Road/Newtown. For both these junctions, the application of either MOVA or SCOOT optimisation programs were deemed to be ineffective and other means to improve vehicle flows through these junctions has been sought. The outcome of discussions is that the installation of a yellow box junction at Bell Lane/High Street would be commensurate and most effective to keep the junction clear where then activities such as parking manoeuvres and vehicles waiting to turn at nearby junctions are within the roads. This would allow the right turn lane to flow freely when currently this, at times, becomes obstructed"*

ESCC have confirmed that *"the scheme proposed for the junction Bell Lane/High Street is considered to be acceptable for planning purposes and to assist the movement of traffic through the junction, and is likely to mitigate the minor increase in traffic on peak periods as well as during other times during the day, and represents benefit, fitting the scale of the housing scheme."*

ESCC Highways have confirmed that the *"highway objection presented regarding town centre impact is considered to be addressed by this proposal"*

Having regard to Paragraph 109 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the

likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal.

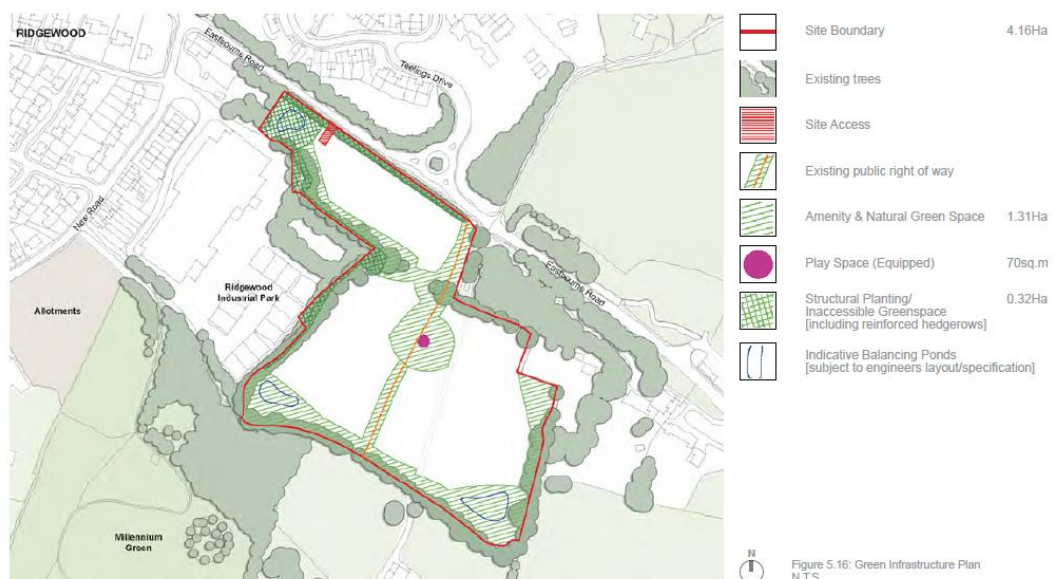
Conditions have been attached in accordance with those recommended by the Highways Authority. ESCC also requested conditions relating to turning provision, cycle parking and car parking but these have not been included as these will be established through the submission of layout details as part of the reserved matters application(s).

Tree and Landscaping Proposals

This is an outline application therefore detailed landscaping proposals will be considered at the reserved matters stage, however the illustrative masterplan submitted indicates that the majority of the existing trees and hedgerows are to be retained and will be supplemented by additional new planting.

A section of approximately 45m of existing hedgerow (H6) fronting Eastbourne Road is to be removed to provide access into the site with suitable visibility splays. The Arboricultural Impact Assessment however considered this hedgerow to be of low quality recording this as Category C. The proposed layout shows new hedgerow planting along Eastbourne Road which is to be set back into the site, this will allow the phased removal of the remainder of the existing hedgerow over a period of time, moving the hedgerow away from the highway. This will reduce the need to regularly maintain the roadside hedgerow in the future and will also provide a hedgerow of higher quality without the loss of tree cover and visual impact. T22 (Category C) is also proposed for removal to allow for the reinstatement of this frontage for new planting.

A small amount of minor tree cover within the site will need to be removed, and these losses comprise T44 and T45 (Category C). Again the AIA considered these to be of low arboricultural quality and their loss from the site would be mitigated with new tree and hedgerow planting proposed as part of the landscaping scheme for the development.



Ecology

There are no ecological statutory or non-statutory designations located within the site.

Historically a series of extended Phase 1 habitat surveys and protected species surveys including a detailed grassland survey, presence/likely absence surveys for dormice, reptiles and great crested newt and bat activity survey were undertaken in 2015 to accompany the previous application. The Ecological Appraisal summarises the findings of previous surveys and the results of an Extended Phase 1 Habitat and Preliminary Protected Species survey undertaken during October 2019.

The site supports mostly grassland habitat with semi-improved neutral grassland to the east and species-poor semi-improved grassland to the west, and dense/scattered scrub and tall ruderal vegetation present throughout. Native hedgerows demarcate the majority of the site boundaries, with the exception of two non-native residential hedgerows along the eastern boundary. Habitat loss will be predominantly restricted to semi-improved neutral and species-poor semi-improved grassland, scrub and ruderal vegetation. All hedgerows and woodland strips are to be retained (with the exception of the hedgerow fronting Eastbourne Road for access) and appropriately managed to improve their functional connectivity across the site.

The Ecological Appraisal sets out :

- No evidence of dormice and so they are considered to be likely absent from the site and unaffected by the proposed development.
- Bat activity within the site was unexceptional with common and widespread species using the boundary features for commuting and foraging in relatively low abundance.
- The site supported grass snake and slow worm therefore translocation would be required
- There was evidence of breeding great crested newts in the wider area however having regard to the distance between the breeding ponds and the exceptional terrestrial habitat adjacent to these ponds it was considered unlikely that the newts would disperse far from their breeding sites. Likewise, as great crested newts do not use the immediately adjacent waterbodies for breeding, this further reduces the likelihood of the species being present within the site. However, pond P3 was not accessible for suitability assessment or presence/absence survey and so it is not known whether this pond approx. 104m to the south of the site boundary supports a breeding population of great crested newt. Therefore, as a precaution, given the unknown status of this pond and the known presence of breeding populations both to the north and south of the site, mitigation has been recommended that will prevent harm to individuals during site clearance works
- The assemblage of breeding birds was representative of an urban edge and farmland habitat.

The 2019 walkover found the habitats to be largely consistent with the previous findings, minimal change included encroachment of scrub and management of the western grassland field reducing its value. The appraisal concludes that as the habitats haven't changed greatly, the protected species assemblages are considered to remain similar.

The submitted documentation sets out a range of measures to ensure that no protected species are harmed and to minimise ecological impacts and subject to the implementation of appropriate mitigation measures and enhancements, it is considered that the development will not result in significant adverse effects to biodiversity and indeed with the opportunities for ecological enhancements as recommended in the Ecological Appraisal could achieve net gains to biodiversity. The findings of the ecological report is accepted and it is considered that a planning condition can ensure the necessary mitigation and enhancement works are undertaken at the appropriate time. The development would accord with planning policies with regard to nature conservation and biodiversity enhancement.

The Council's Biodiversity Officer has advised that the proposals do not directly consider biodiversity net-gain and it would be expected this is addressed at the reserved matters stage taking into account current biodiversity net gain legislation and policies. (Ref: Wealden District Core Strategy Local Plan (2013) Policy WCS12 Biodiversity, National Planning Policy Framework 2019 175a and 175d, and emerging Environment Bill (expected late 2021)). This may impact on the level of development capable of being accommodated onsite depending on onsite/offsite BNG options.

Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and outline Drainage Strategy, considering the risk of flooding at the site and setting out indicative proposals for foul and surface water drainage scheme for the site.

The site falls almost exclusively within Flood Zone 1, which the NPPF categorises as suitable for residential developments. The principal flood risk from the site relates to the management of surface water run-off.

The site occupies the southern side of a ridge between the valleys of two watercourses:

- the Ridgewood Brook, c.330m south-west of the site, and
- the Framfield Brook, c.470m north-east of the site.

The drainage solution proposed is to split the site into three catchments equating to the proposed three areas of housing. Each sector is proposed to be drained by a conventional piped drainage system taking a mixture of roof and road surface water to attenuation ponds sited in the north-west, south-east and south-west corners of the site. The water from the first two of these ponds is proposed to gravitate to a pair of outlets situated adjacent to the south-west pond. From here water is stated to discharge to the ordinary watercourse which runs towards the

Ridgewood Stream. The other sector lies within the catchment of the Framfield Brook.

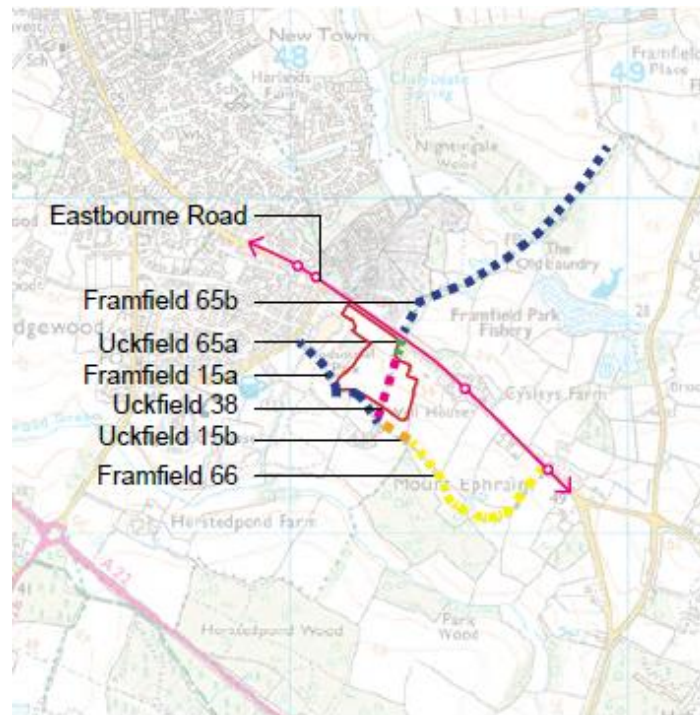
The Council's Drainage Officer indicated in his consultation response that the works to provide the southern outlets are an integral part of the development and should be included within an extended red site boundary and planning notice served on the relevant third party landowner(s) and an agreement in principle from the relevant landowners (the Uckfield Millennium Green Trust) to this use of their land. It should be confirmed that the ordinary watercourse is in a suitably good condition to receive the water. Given the fall of only about 0.4 metres between the south-east and south-west corners of the application site, I would wish to see evidence that a gravity link is possible.

The LLFA have sought a considerable level of detail, which the applicant has largely provided. The LLFA have accepted that the ordinary watercourse would have sufficient capacity to convey flows into the Ridgewood Stream. Officers concur with the LLFA that the increase in flows would not be acceptable, however this has been conditioned in accordance with the recommendations of the LLFA. The Council's Drainage Officer deemed the information submitted acceptable subject to caveats which the applicant has submitted information to address. However the Council Drainage Officer's request to extend the redline, is not necessary and is not normally required to secure the off-site connections. A deed of easement has been agreed with the third-party landowner. Additionally, one approach to the delivery of the route would be through a Requisitions under S.98 of the Water Industry Act 1991. Given that the applicant has an agreement for the outfall with the relevant landowner, if required they could request the Water Authority to do this via a simple application. Sewers built under S.98 are public sewers on completion so would automatically be adopted. Whilst again this is a level of detail beyond that necessary at the outline stage, it underlines that there isn't a need for a possible surface water route to be included within the redline at the outline stage.

Conditions will be required to ensure the detailed final design is submitted and approved and implemented with appropriate timing triggers. This links in with the conditions requested by the LLFA, requiring a detailed design which can only be undertaken at Reserved Matters stage.

Rights of Way

Two public footpaths pass adjacent (Framfield 65a) and within the site (Uckfield 38) forming a single route along a south-west to north east axis. WDC Footpaths Officer has confirmed that whilst there will be an impact on the aspect of the footpaths and their usage, there is no reason that this would be detrimental overall. Footpath 38 can adequately be accommodated within any reserved matters layout and improvements could be made on site, to improve the connections between the two routes and the surfacing of the paths. Any necessary improvements can be secured through the imposition of planning conditions or inclusion within the legal agreement.



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. Having regard to this a condition has been recommended that requires the submission of details for water and energy efficiency measures and sustainable construction for approval.

Other Issues

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

Developer's Contributions

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

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

Planning Balance

The proposal seeks permission for up to 90 dwellings in a location, beyond any development boundary in the adopted development plan. The weight to be given to the conflict with the Council's development strategy is substantially reduced due to considerable shortfall in housing land supply.

Set against that conflict are the social benefits of addressing the under supply of housing in the District. The delivery of housing is a material consideration in the context of the very significant current housing land shortfall.

The development will be required to include provision for equipped play areas. Financial contributions would be made towards the provision or upgrading of youth and adult recreation facilities nearby. These would serve to enhance access for recreational purposes promoting the wellbeing of the local population.

In terms of the wider economic role, the development would contribute towards economic growth during the construction phase. The additional population would assist the local economy and help support the sustainability of local services and facilities in the area.

In meeting the environmental role the loss of the existing field to development will have a permanent impact on the character of the immediate locality, but the change is not considered to be harmful to the landscape character, provided the development is set back from the boundaries and appropriate structural planting and buffer planting are incorporated into the scheme design.

Subject to the provision of a satisfactory drainage system which would be controlled by conditions, the developable area, which is located within Flood Zone 1 will not be at risk from flooding nor would it increase flood risk elsewhere.

The separation distances between the existing and proposed dwellings, combined with the proposed landscaping, would be determined through the subsequent submission of reserved matters to protect the living conditions of neighbouring residents

Satisfactory highway access can be achieved without detriment to highway safety.

Whilst the site lies within open countryside, it is not isolated rural housing and is within easy access of the facilities of Uckfield Town Centre.

Habitat Regulations Assessment

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

Assessment of likely significant effects on the SPA

The qualifying features 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 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, is required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Due to the relative 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 / maintain 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 submission 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 to avoid an impact and would assist in mitigating disturbance through behavioural change and other access management measures for Dartford warbler and European nightjar. The mitigation would ensure the proposal would not adversely affect the integrity of the SPA.

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 that could adversely affect 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 in 2019 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace (now withdrawn). At that stage the Council concluded that under its Scenario A (no improvement in car emissions) that an adverse effect on the integrity of the SAC from residential development in its area could not be ruled out. That conclusion was robustly challenged by other authorities, developers and most importantly NE at the examination in public. In March 2019, NE published its European Site Conservation Objectives: Supplementary Advice on Conserving and restoring site features ("the NE Advice") following consultation and based on extensive scientific work which reached unambiguous conclusions at p13 on Air Quality

(AQ) and Nitrogen Deposition (ND) even without improvements in car emissions over time that “nitrogen levels from additional transport [as a result of the expected housing development in the surrounding areas] would fall below the level that would reduce species richness on the site even if the expected declining trend in Nitrogen failed to materialise”. There was clear advice from NE, the national adviser on these matters, that the housing development in the wider area in combination would not adversely impact integrity because it would not infringe the relevant conservation objectives. NE also referred to improvements in AQ/ND as a result of existing rules under which all new vehicles were being manufactured – not relying on the long term future uncertain forecasting that was criticised in the Dutch Nitrogen cases (C-293/17 and C-294/17).

The issue as to whether NE or the Council’s approach to integrity was correct was thus a key focus of the first stage of the examination – and multiple parties made detailed submissions on the correct approach on the law and the facts.

The Council sought to justify Scenario A though the Inspector reached clear and unambiguous conclusions that the Council had adopted the wrong approach and that NE’s approach was correct. First she dismissed scenario A on the basis that “this is contrary to what is already known” namely that “improvements arising from previous emissions will continue to work through the fleet and further improvements will occur” through existing legislative and policy requirements. This was not based on forecasts but was a conclusion based on what will not what might or should happen. That approach accords with the Dutch Nitrogen test if it applies fully here. Second, at para 9 she distinguished Dutch Nitrogen on the basis that the assessment of the correct baseline was not “mitigation” such as to trigger Dutch Nitrogen and thus consideration of improvements in the baseline was not precluded.

The Council accepted her conclusion after detailed consideration and withdrew the local plan. There was no challenge to the Inspectors approach. All other relevant authorities have followed NE advice – in preparing and promoting their Local Plans and that approach has been endorsed including by the inspector examining the South Downs National Park Authority who have now adopted their plan. No challenge was lodged to adoption. Given the issue is the same for all these authorities, (the same designated site, the same road network and the same requirement to an combination assessment) it is highly relevant that all have adopted NE’s advice and judgments and have robustly rejected the conclusion set out in the HRA of the Draft Submission Wealden Local Plan and supporting evidence base (including by making representations at Wealden’s local plan).

In light of the above, it is evident that:

- a. the assertion that housing might have an adverse effect on the SAC by virtue of AQ/ND from increased cars has been robustly rejected by an independent inspector and has been found to be supported by no credible evidence base. No other authority has adopted it;

- b. NE has advised robustly that there is no issue when the matter is assessed on a correct basis;
- c. When it refers to the “evidence provided within the local plan regulation 19 consultation” it is plainly not adopting scenario A or the conclusions of the Council at that time;
- d. NE’s advice is to be accorded significant weight and is not to be departed from without good reason – here that requires a good scientific reason as to why its scientific conclusions are unsound;
- e. all attempts by the Council to put forward such a scientific reason historically have failed;
- f. nobody else has put forward such a good scientific reason (indeed any scientific reason);
- g. nobody has sought to explain why the Inspector was wrong in concluding that the improvements in the baseline “will” occur. Those relied on are already built in to the future fleet by existing legislation

Considering the effects of that quantum of growth, NE is satisfied that this will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC 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.

The development proposed is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound. For the reasons set out above, when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the protected European Sites.

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 is the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing which is a highly significant material consideration and carries substantial weight in the context of the NPPF.

Whilst the proposal is contrary to the development plan taken as a whole, paragraph 11d (ii) of the National Planning Policy Framework (2019) (the

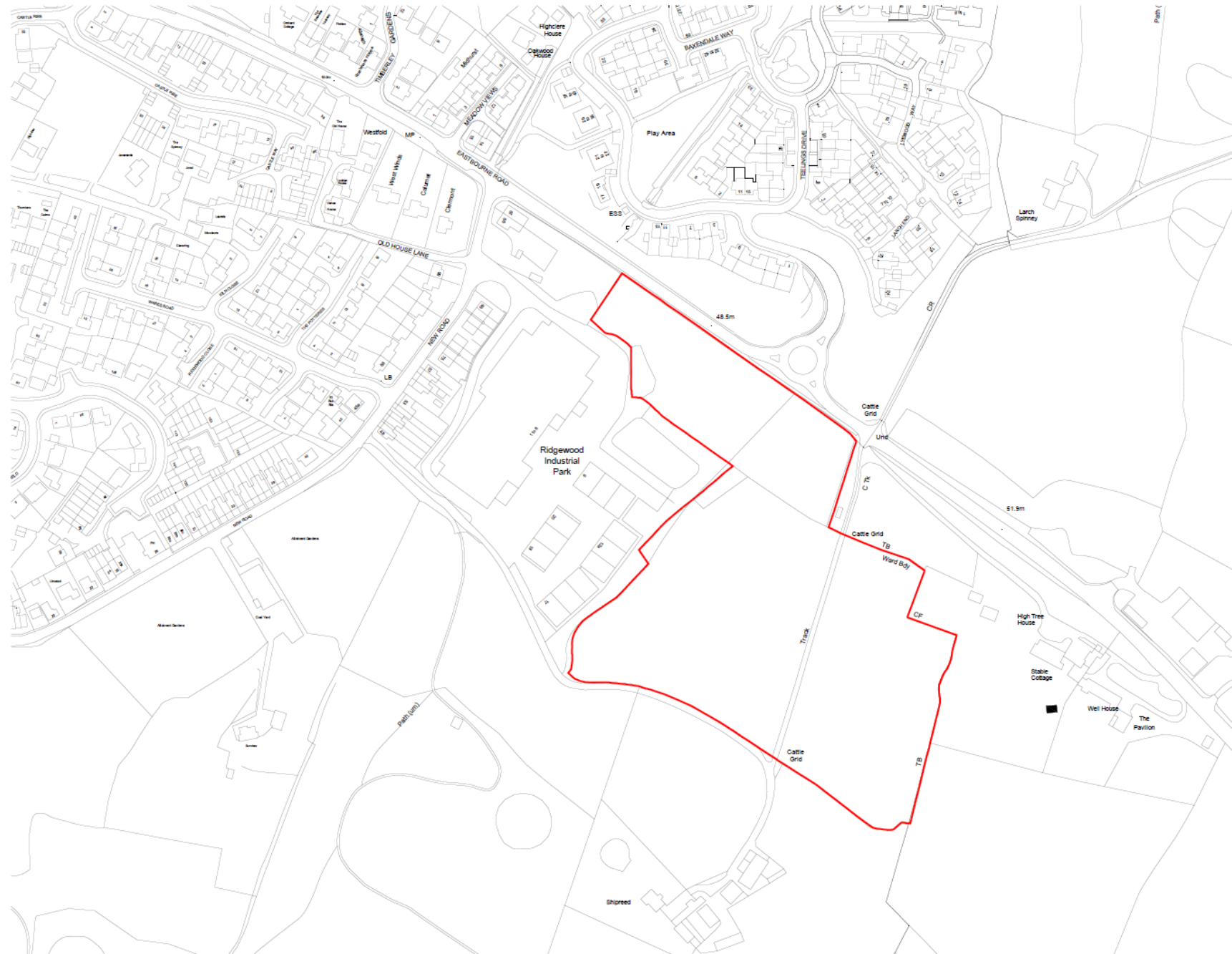
Framework) applies for the reasons set out in the main body of the report (having regard to a positively concluded Appropriate Assessment). This sets out that that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is known as the 'tilted balance' in consideration towards housing supply. Whilst it is acknowledged in the main body of the report that the development will impact on the character of the immediate locality, the adverse impacts are not considered to significantly and demonstrably outweigh the advantages of the delivery of up to 90 dwellings in the context of the district's lack of a five year housing land supply.

Having regard to the planning balance and the considerations set out in the main body of the report, it is recommended that the application is APPROVED subject to completion of a legal agreement and conditions.

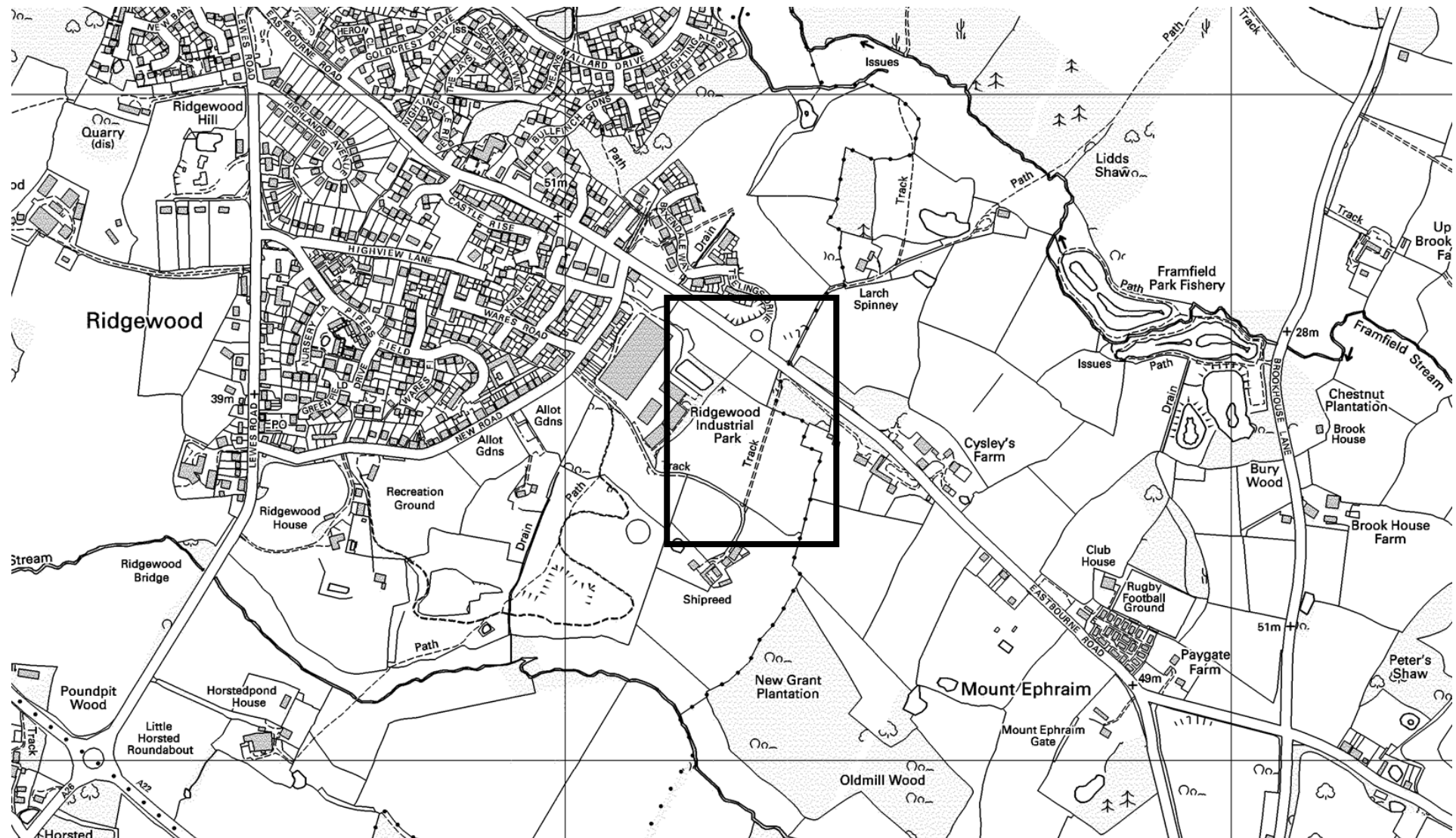
6. Contact points and references

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Ward Member:	Cllr G Johnson

For: Planning Committee North
Date: 1 April 2021



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