Summary of Proposal

Major Application - Outline application for:
OUTLINE APPLICATION FOR 11 FLATS

Received date: 27 June 2019          Parish: Hellingly
8/13 week date: 8 November 2019     Ward: Hellingly

Link to website:

Recommendation

Outline planning permission BE GRANTED, subject to the following conditions and Section 106 Agreement to secure AF1 mitigation:

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 Articles 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

2. Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. STD2

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

3. (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.

4. Whilst the layout, scale and appearance of the development are Reserved Matters, the number and type of units is specified in this outline permission (10 x
2 bed dwellings and 1 x 1 bed dwelling). The Reserved Matters submission must reflect this mix and adhere to the national space standards (which define gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height).

REASON: To secure an appropriate scale and mix of accommodation that adheres to the correct internal space requirements, having regard to emerging Policy HG 9 of the submission Wealden Local Plan 2019 and the advice in Section 5 of the National Planning Policy Framework 2019.

5. Prior to any works associated with the development hereby approved a detailed scheme for highway mitigation works to include the following:

- A new vehicular access into the site with dropped kerbs and tactile paving on either side.
- Improved pedestrian linkages at the site access with new footways provided on the west side of Park Road to the north and south of the site.
- Dropped kerbs and tactile paving provided on Park Road to the north of the site access to provide a pedestrian crossing point.

shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved scheme and completed prior to first occupation of any of the dwellings.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road and in order to secure a satisfactory standard of development, having regard to Saved Policies TR3 and TR16 of the Wealden Local Plan.

6. No development shall commence other than the access works until the vehicular access serving the development has been constructed in accordance with the approved drawing (7795/103).

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in the interests of the visual amenities of the locality having regard to Saved Policy TR3 of the adopted Wealden Local Plan.

7. Before preparation of any groundworks or foundations for the dwellings, the new access(es) shall be completed to base course level, together with the surface water and foul sewers to the approval of the Local Planning Authority in consultation with the Highway Authority. HW11 (M)

REASON: In the interests of highway safety and the amenity of the locality having regard to Saved Policy TR3 of the adopted Wealden Local Plan.

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres to the north and 2.4 metres by 70 metres have been
provided at the proposed site vehicular access onto Park Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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, Policies BED2 and INF4 of the emerging Wealden Local Plan 2018 coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2018.

9. The development shall not be occupied until the Local Planning Authority has approved, in writing, a scheme to secure further mitigation of vehicles crossing the Ashdown Forest Special Area of Conservation and Special Protection Area. That mitigation shall include:

• Details of the provision of an electric vehicle charging point at the site.
• Provide a personalised travel plan for incoming residents to the site;

and

• Details of the ability of the dwelling to connect to high speed broadband.

The details shall include details of phasing and timing of all works to secure delivery of the mitigation and thereafter the development shall proceed strictly in accordance with the agreed further mitigation.

REASON: The development lies in a zone of influence of the Ashdown Forest where it is considered there would be a likely significant effect, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any additional traffic that might cause degradation of air quality upon the designated sites. In coming to this decision, the Council have had regard to Regulation 61 of the Conservation of Habitats and Species Regulations 2017, the amended version of Policy WCS12 of the Core Strategy Local Plan (following the upheld Judicial Review Case No: C1/2014/1148, heard 11th June 2015), together with WCS14 of the Plan and the requirements of saved Policies EN7 and EN15 of the Wealden Local Plan (1998) and the emerging Wealden Local Plan Policies AF1 and AF2.

10. No work 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, wheel washing facilities, 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 Saved Policies EN27 and TR3 of the adopted Wealden Local Plan.

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

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

REASON: In the interests of 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, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998.

12. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner. DF01

REASON: In order to secure a satisfactory standard of development, having regard to Saved Policy CS2 of the adopted Wealden Local Plan.

13. 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. Provide full information about the design storm period and intensity and the method employed to delay and control the surface water discharged from the site to include a clear indication as to where the roof water is to be routed. This should include hydraulic calculations to the satisfaction of the Lead Local Flood Authority.

ii. Supply detailed plans, layouts and sections of the proposed drainage system and construction details of any non-standard features.

iii. Provide a management and maintenance plan for the development which shall include the arrangements for the setting up of any necessary company/association to secure the operation of the scheme throughout its lifetime.

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 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.

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.

14. Details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains) to be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should specify the responsibilities of each party for the implementation of the SUDS scheme, a timetable for implementation, provide a management plan and maintenance plan for the lifetime of the development which should include arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its life time. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified. DS05 (M)

REASON: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with Saved Policy CS2 of the adopted Wealden Local Plan and the Wealden Design Guide, Chapter 4, Sections 8 and 9.

15. 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, Policies EA1 and BED1 of the emerging Wealden Local Plan 2018 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.

16. Before commencement of any works associated with the development hereby approved, tree protection fencing which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, for the protection of those trees, shrubs and natural features not scheduled for removal shall be submitted to an approved in writing by the Local Planning Authority. The approved fencing shall be erected in the positions approved and thereafter retained until such completion of the development, to the approval of the Local Planning Authority. Hereafter, the fencing shall be referred to as the 'approved protection zone'.

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'. TP01

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.
17. No works shall take place for the development hereby approved until a detailed ecological enhancements scheme, which shall include a programme for the implementation of the works and long term management, shall be submitted to and approved in writing to the Local Planning Authority. This detailed scheme shall include:

(i) Appropriate ecological enhancements,

(ii) Measures specifically to address retention and enhancement of the site's ecological connectivity through ecological corridors and networks,

(iii) Works to all areas of retained habitat and an agreed future management and maintenance strategy for all habitats on the site,

Thereafter, the scheme shall be completed in accordance with the approved plans and programme to the satisfaction of the Local Planning Authority and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified. LA11 (M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Saved Policies EN14 and EN27 of the Wealden Local Plan.

18. No development shall take place until there has been submitted to and approved by the Local Planning Authority a wildlife management plan, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts, badgers and dormice, 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 ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development and the Wealden Design Guide, Chapter 2, Chapter 3, Section 15.

19. 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
1718/050/05A  24 December 2018
Arboricultural Report 4546/17-01  5 December 2018
Preliminary Ecological Appraisal  1 February 2019
Bat Report  7 June 2019
SuDS Drainage Statement  27 June 2019
Transport Report  18 June 2019

REASON: For the avoidance of doubt.

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: 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 2: 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.

NOTE 3: The upgrade works to the access and footway require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required.

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

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

NOTE 4: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK Wildlife Protection Legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an Ecological Survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

Reason for Referral

This application is being referred to this Committee as the proposal is for more than 10 residential units outside a development boundary.
Executive Summary

The site is a single private dwelling with a number of outbuildings. It has an existing vehicular access with trees to the southern boundary. There is new development to the NW with further development consented to the east.

Outline consent is sought for the erection of 11 flats (the indicative details showing development in separate blocks, of part single and part two storey scale. All matters however are reserved, apart from access. The proposed access involves removal of the front boundary vegetation and movement of the access to secure appropriate visibility.

The site is in an area of rural restraint under the local plan policies and consent should be refused unless material considerations indicate otherwise. In this instance the NPPF footnote 7 would render these adopted policies of limited weight owing to the lack of 5yr supply. For the purposes of para 79 the site is not isolated rural development and there are realistic alternatives to the private car for future occupiers. It is also compliant with the emerging local plan. As such the principle of development of the site for housing is accepted.

Turning to detailed matters the application is an outline with all matters reserved apart from access. The access has been shown to be acceptable. The indicative details show the development can be appropriately accommodated subject to further detailing at Reserved Matters stage. The proposal can provide for acceptable parking, does not result in significant adverse impacts to established residential amenities and would secure development that would not significantly harm the character of the area. As such it is recommended permission be granted, subject to a legal agreement to secure AF1 mitigation.

1. Statutory Bodies and Residents - Responses

ESCC - Highway Authority - NO OBJECTION.

Updated Consultation Response:

The submitted tracking drawings demonstrate that the revised layout can accommodate an emergency vehicle (fire truck); however, it is noted that the turning manoeuvre is particularly tight.

The submitted plan indicates the provision of 13 car parking spaces within the site. Based on the ESCC parking calculator, 12 car parking spaces are required for the proposed development of 10 flats if all spaces remain unallocated or 16 spaces if each flat is allocated 1 space. Given that there is very little scope for vehicles to park outside of the site it would be preferred for the full parking requirement to be met. I also have concerns that any shortfall in the number of spaces provided will result in residents using the turning area for parking (which is already very tight for a fire vehicle to turn). This is an outline application with all matters reserved other than access and with this in mind it is recommended that
the layout is amended at the detailed stage to provide additional parking within the site.

Original Consultation Response:

Executive Summary

The proposal is an outline application for 12 residential flats. I do not wish to object to the planning application; however, this is subject to appropriate conditions.

Response

The existing site is currently occupied by a residential dwelling, with an external garage, outbuildings and garden. The proposed development is to construct 12 flats (9 x 2-bedroom and 3 x 1-bedroom) with associated vehicular access; car parking; and landscaping.

Site Access

The development proposal will be served via the existing access which will be widened to 5.5m to form a simple priority junction off Park Road. There will also be a pedestrian access south of the vehicular access that will be central to the site frontage.

Park Road is subject to a speed limit of 30mph outside of the development, immediately rising to 40mph a short distance to the north of the site access. Guidance provided by Manual for Streets2 recommends that an access onto a road subject to a 30mph speed limit requires visibility splays measuring 2.4m x 43m. However, due to the close proximity of the 40mph speed limit guidance provided by Design Manual for Roads and Bridges should also be considered and this recommends a visibility splay measuring 2.4m x 120m for a 40mph speed limit. The submitted plan (Drawing No. 7795/103) demonstrates that splays measuring 2.4m x 120m to the north and 2.4m x 70m to the south of the access can be provided. With this in mind I have no major concerns regarding the visibility at the site access; particularly as a scheme to extend the 30mph speed limit has been secured as part of the residential development proposals to the north of the site.

A footway leading into the site will be provided on the north side of the access. As there is no footway on the west side of Park Road a pedestrian crossing with dropped kerbs and tactile paving will be required to provide a link to the pedestrian facilities on the east side of the road. A footway leading into the site will also be provided to the south of the access and this will continue south of the development, connecting all dwellings by dropped kerbs and tactile paving, linking with the existing footway network to the south of Park Road. Ideally the new footways will have a minimum width of 2m; however, this will require further investigation.
The above off-site works will need to take into account the access and associated works serving the development site to the west of Park Road (WD/13/1294).

The access and all associated off-site works will also need to be subject to the standard Road Safety Audit procedure.

I have no major concerns regarding the proposed new access; however, this is subject to any issue raised in the RSA being addressed satisfactorily. It should be noted that the access will require constructing in accordance with ESCC specification with all works carried out by an approved contractor under the appropriate license or legal agreement.

Parking & Turning

The ESCC Parking Demand Calculator has been used to determine the parking requirements for the proposed development.

Based on the ESCC parking calculator, 12 car parking spaces are required for the proposed development if all spaces remain unallocated or 17 spaces if each flat is allocated 1 space. 17 spaces are provided on the layout and therefore the parking requirement is met.

Each car parking space should have the minimum dimensions as set out below. Any space that does not meet these dimensions will not count towards the overall parking provision.

- Parking Space - 5m x 2.5m (A minimum additional 0.5m will need to be added to either or both dimensions where the space is adjacent to a wall(s) or fence(s). Spaces in front of garages must be a minimum of 6m long to maintain access to the garage).
- Disabled Parking Space - 5m x 3.6m.
- Car Ports – 5m x 2.8m.
- Garages 6m x 3m or 7m x 3m, if to be used for cycle parking.

Where garages are proposed they will need to meet the minimum dimensions set out below and even then will only count as 1/3rd space each due to their limited use. This means for every 3 garages to be provided, they will only count as 1 parking space towards the overall parking requirement.

Electric Vehicle charging facilities will be incorporated into each dwelling. Six covered and secure communal cycle stores will also be provided for the flats.

Internal Layout

The cul-de-sac features a continuous footpath on the south side, which allows footway access for the entirety of the new street.

The proposed layout will enable emergency vehicles to access all dwellings within 45m. This is in line with the requirements set out for emergency vehicles in paragraph 6.7.2 of Manual for Streets. A swept path analysis drawing has been
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provided to demonstrate that a fire vehicle can turn and manoeuvre within the site in a safe and convenient manner. With this in mind I am also satisfied that cars, delivery vans and small lorries can also turn within the site.

Refuse vehicles will service the proposed dwellings from Park Road, with the collection point being located approximately 7.5m from Park Road. Bin stores are located approximately 30 metres from the flats. The requirements set out in Manual for Streets 1 state that vehicles should be able to get to within 25m of the storage point for collection and that residents are not required to carry waste for more than 30m as set out in MfS1. I am satisfied that the layout complies with these requirements.

Trip Generation and Highway Impact

The TRICS database has been used to determine the level of traffic likely to be generated by the development proposal. Using this information it has been estimated that the proposed development is likely to lead to:

- Approximately 6 two-way vehicle trips in the weekday AM peak period (0800-0900);
- Approximately 6 two-way vehicle trips in the weekday PM peak period (1700-1800);
- Overall, around 61 two-way daily weekday vehicle trips are forecast.
- The above trip rates are similar to those derived from my own use of the TRICS database and with this in mind I am satisfied that this provided a robust assessment of the level of traffic likely to be generated by the development proposal.

It is unlikely the level of traffic generated by the development proposal would result in a severe impact on the local highway network due to the limited scale. However, the cumulative impact of this, along with general background traffic growth, on general highway operating conditions (e.g. increased delays, longer journey times, and more junctions at or approaching capacity) by the end of the Wealden Local Plan period up to 2028 should be considered.

The cumulative impact of this and the other proposed allocated sites results in a severe impact on the highway network (as identified in the Wealden Local Plan Transport Study 2018) and therefore the identified package of mitigation measures identified in the report and listed as a Strategic Infrastructure Requirement for Sector Hailsham North in Wealden’s Local Plan are appropriate for this development site. With this in mind we would wish for any grant of consent to include a condition preventing any occupancy of the development until confirmation of the full funding arrangements for the delivery of these improvement works; however, we are aware that WDC have not supported this approach with other residential developments in the area. Nevertheless, we would wish to make it clear that our preference would still be the imposition of such a condition.
Accessibility

The site is considered to be relatively well located from an accessibility perspective with local amenities and public transport available within a short walking distance. However, pedestrian links to the nearby facilities will need to be provided as detailed above. Improvements to the bus stops nearest the site on Upper Horsebridge Road are also likely to be required; however, this will require further discussion with ESCC Passenger Transport Team.

Conclusion

Overall I have no major concerns regarding the development proposal and with this in mind I do not wish to object. However, I would recommend that any grant of consent includes the conditions listed below along with a Section 106/278 agreement securing the following items:

- The provision of a reconstructed site access and associated offsite works as detailed above.
- Improved pedestrian linkages at the site access with new footways provided on the west side of Park Road to the north and south of the site.
- A pedestrian crossing with dropped kerbs and tactile paving provided on Park Road to the north of the site access.
- Improvements to the nearest bus stops to the site located on Upper Horsebridge Road.

Conditions

I recommend that any consent shall include the conditions as recommended.

Southern Water Services

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. Suggest an informative is added to any consent.

Fire & Rescue Service - No response.

WDC - Waste Management - No response.

ESCC - County Archaeologist

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

Police (Crime Prevention)

The National Planning Policy Framework demonstrates the government’s aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or
community cohesion. With the level of crime and anti-social behaviour in Wealden district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered.

The design and layout has created outward facing dwellings onto a single road layout. As a result all parking is overlooked as is the road layout. Where parking occurs within under-crofts, these should be lit to ensure the safety of the user and security of the vehicle.

Defensible planting has created good demarcation lines which indicate the difference in private and public space.

WDC Drainage-Footpaths Officer

The site is located in EA Flood Zone 1 which means that no exception or sequential test will be required for this proposed development. 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 possibility of flooding from groundwater or surface water. There are no ponds within or close to the application site. There is an ordinary watercourse commencing on the southern boundary of the site and flowing in a westerly and then southerly direction. It is uncertain from the EA Flood Map as to where this watercourse eventually runs to or connects to.

There are records of flooding at various properties in Park Road within the Council’s land drainage database.

The Geological Map states that the majority of the site is on the Tunbridge Wells Sand Formation of mudstones forming a basal layer below superficial deposits of River Terrace Deposits comprising sand and gravel.

There are no adopted, dedicated surface water sewers in the vicinity of the site.

Two different surface water proposals are put forward in this application. The first is that described in question 11 of the planning application form and in drawing 1718/050/07 Drainage Plan, as being disposed of to soakaways. The alternative proposal is that described in the SUDS Drainage Statement and plan prepared by GTA Civils and Transport.

Infiltration is the first recommended drainage method in the SUDS hierarchy. However, the underlying mapped geology and the presence of a watercourse adjoining the site suggests that soakaways are unlikely to work at this location. I would therefore reject the first proposal put forward as being unlikely to work. I will therefore concentrate my comments below on the GTA proposal.

The proposed drainage system is based around a porous paved attenuation system sited under the parking area. This area takes all the water from the car parking area and some of the roof water from blocks F, G and H. However, roof water from blocks D and E is routed directly to the outfall without passing through
the attenuation area and this may also be the case with the roof water from blocks B and C. I am wholly uncertain as to where the roof water from block A is routed.

I assume that the upstream fin drain is designed to “spread out” water entering the tanked area. It would be helpful to have some form of upstream silt trap to prevent debris entering the tanked area and filling up the storage voids over time. I am uncertain from the description in paragraph 5 of section 3.0 of the SUDS Drainage Statement as to whether the storage will be wholly tanked or lined with a membrane which would allow some infiltration. However, given the suspected ground conditions, the attenuation storage must be sized on the assumption that no water will be infiltrating into the ground below.

Water from the tanked storage area and the western roof water run through an outlet limited to 2.0 litres per second before discharging into an existing ditch just inside the southern boundary of the site. I would wish to see some evidence in the form of a basic survey to show that the downstream watercourse is in sufficiently good condition to accept the flow of water.

When accepting 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 eventual discharge from the site can be attenuated to the calculated, theoretical greenfield rates for the standard 1 in 100 year rainfall event plus 40% climate change allowance.

I note that the maintenance activities for the surface water drainage system have not been considered and this will not be possible until the basic scheme for draining surface water from the site is finalised. Experience elsewhere suggests that it is most unlikely that any local authority or utility company will adopt the new surface water drainage and so a site management company or resident’s association will need to be set up by the site owner to manage and maintain the scheme.

Provision of foul sewage drainage is a matter for Southern Water to comment on. Should planning permission be granted, then an Ordinary Watercourse Consent will be needed from the Lead Local Flood Authority and this is acknowledged in Section 3.0 of the SUDS Drainage Statement.

Should you be minded to grant planning permission, the following condition must be applied to be reflected in any full application/reserved matter/discharge of conditions and in any section 106 Agreement which may be entered into:

“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:
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i. Provide full information about the design storm period and intensity and the method employed to delay and control the surface water discharged from the site to include a clear indication as to where the roof water is to be routed. This should include hydraulic calculations to the satisfaction of the Lead Local Flood Authority.

ii. Supply detailed plans, layouts and sections of the proposed drainage system and construction details of any non-standard features.

iii. Provide a management and maintenance plan for the development which shall include the arrangements for the setting up of any necessary company/association to secure the operation of the scheme throughout its lifetime.

WDC - Housing Department

The applicant has discussed the site with the Housing Service and we understand that they are keen to get approval for a site that is policy compliant, with an emphasis on providing affordable housing.

Although this is an Outline Application and some details will be addressed at Reserved Matters stage the Housing Service would like to comment as follows.

We are pleased to see that smaller, one and two bedroom properties are proposed.

The mix in terms of which units will be the affordable housing and what the tenure mix will be within those will be agreed later. The Council would seek a mix of affordable rented (80%) and homeownership (20%) units (Policy HG12 of the emerging Wealden Local Plan). Considering the size of the development some flexibility with regard to the tenure mix may be required.

It is also possible that it would be difficult to find a partner Registered Provider for a site with so few units. In such exceptional circumstances the Housing Service would accept a commuted sum in lieu of an on-site provision. This would help to enable the development of affordable housing elsewhere within the district.

If it is possible for the affordable housing to be provided on-site the Housing Service would like the following to be taken into account before the Reserved Matters application is made.

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

ESCC - SUDS & Flood Management - OBJECT

The Drainage Statement supporting the planning application states that surface water will be discharged into an existing ditch/watercourse along the southern boundary of the application site. However, this watercourse is shown to just end halfway within the site. Therefore it is not clear where the surface water runoff will be conveyed to. The watercourse also conveys surface water from the ditch
along the western side of the allotment gardens which appears to start immediately north of Upper Horsebridge road.

The application site’s topographical survey which shows existing drainage on the site has a manhole which appears to indicate a drainage pipe crossing the watercourse. Since the watercourse appears to flow in the general direction of Park Road which has experienced several flooding issues in the past, the applicant should investigate the route and capacity of the existing drainage from the site and the watercourse prior to proposing to discharge surface water runoff. Therefore, we request that the applicant carries out this investigation to assure us that the development will have a surface water runoff discharge point which will not result in increased flood risk on or offsite.

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

Hellingly Parish Council - NO OBJECTIONS.

However, they are concerned that this application is an additional entrance to/from Park Road which is already an extremely busy road. The Committee suggests that the road is widened, and a footpath is installed at the same time as this application.

Response to Parish Council - None Required.

Other third party responses

One letter of objection summarised as follows:-

- This is an overdevelopment.
- The flats will overlook neighbours.
- The access is not suitable and the road is too busy.

2. Other Relevant Responses/Issues

None Received.

Pre-Application Matters

None.
3. Relevant Planning History

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Description</th>
<th>Decision and Date</th>
</tr>
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<tbody>
<tr>
<td>WD/2005/1763/O</td>
<td>Erection of a three bedroom two storey house using existing vehicular access. Brickwork and roofing to be sympathetic to adjacent properties.</td>
<td>REFUSED 2 August 2005</td>
</tr>
</tbody>
</table>

There is also a full history for extensions to the dwelling that can be viewed on the electronic file.

4. Details of Case

The Application Site

The site is a single private dwelling with a number of outbuildings set. It has an existing vehicular access with trees to the southern boundary. There is new development to the NW with further development consented to the east.

The Development Proposals

Outline consent is sought for the erection of 11 flats (the indicative details showing two separate single storey units). All matters however are reserved apart from access. The proposed access involves removal of the front boundary vegetation and movement of the access to secure appropriate visibility.
Policy Framework

The up-to-date approved ‘development plan’ for Wealden District Council comprises the following documents:
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- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 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 2 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 213 of the NPPF).
The Council is working on a new Local Plan. This was submitted for independent examination on the 18 January 2019. Weight can be afforded to the emerging policies, dependent upon the stage at which the Plan has reached, is in line with para 48 of the NPPF. The emerging Plan seeks to deliver full objectively assessed housing need together with sustainable expansion of employment and retail floor area in the District.

Relevant Policies

The National Planning Policy Framework (NPPF) 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 1-2, 7-12, 38, 47-50, 54-56, 59, 73, 77-79, 83, 96, 103, 108-111, 117-118, 122, 124, 127-128, 130, 148, 153, 155, 157, 170, 175-177, 178, 182, 184, 189-190, 192, 193-199, 212-213 of the NPPF.

- Saved Policies GD2, EN1, EN2, EN8, EN27, DC17, TR3 and TR16 of the adopted Wealden Local Plan 1998.
- Policies SPO1, SPO3, SPO7, SPO8, SPO13, SPO14, SPO15, WCS6, WCS7, WCS8 and WCS14 of the Wealden Core Strategy Local Plan 2013.
- Policies AF1, AF2, WLP1, WLP 3, WLP 7, INF 4, EA1, EA4, RAS 1, HG9, HG11, BED 1, BED 2, NE3, NE4, NE5, NE6, HE 1 of the emerging Wealden Local Plan 2019

Principles of Development

The application site is located outside the defined development boundary for Hailsham within the Low Weald landscape character area. It is in the SD3 strategic development area in the WCSLP 2013.

Main Issues / Policy Issues

Presumption in Favour of Local Plan

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

Section 70 (2) of the Town and Country Planning Act states ‘In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations’.

Development should therefore be determined in accordance with the Local Plan unless material considerations indicate otherwise.
Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013.

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

The adopted Core Strategy Local Plan 2013 accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required. The site is in the strategic development area SD3 for Hailsham in the WCSLP. The quantum of development in SD3 has already been delivered. These units would be in excess of the housing numbers in the WCSLP and therefore would also be contrary to the WCSLP.

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

Two such considerations are identified, the NPPF 2019 and the Emerging Local Plan.

**NPPF**

The NPPF is a material consideration setting out the Government’s planning policies for England and how these are to be applied (para1 and 2).

Para 11 sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

11 d(i) sets out that the presumption does not apply to development where there is a clear reason for refusing the development as set out in the NPPF. Footnote 6 sets out reference to such policies. One such policy are those in
relation to habitat sites. As set out within the report, there is potential for impacts to the integrity and conservation objectives of three such European protected sites. However, there are not clear reasons to refuse the development on grounds relating to these following the appropriate assessment contained within this report.

As such, for the purposes of decision making in relation to the NPPF the presumption does apply in this instance and the ‘significant and demonstrable’ test of 11 d(ii) along with the presumption in favour is invoked. In the simplest sense the application falls to be determined within the normal planning balance of whether the harm outweighs the benefits, taking into account the local plan and any other material considerations.

Footnote 7 in the NPPF confirms that out of date policies would include housing policies where the Council does not have a 5yr supply. Wealden does not have a 5yr housing land supply and the saved and adopted policies GD2, DC17 and WCS6 would, for the purposes of the NPPF, be considered out of date for decision making purposes. This significantly limits the weight that can be afforded to them.

The NPPF gives weight to policies in existing plans under Paragraph 213 according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

For policy purposes, the site falls outside any development boundary in the local plan and can for the purpose of decision making be considered a rural location. Para 79 of the NPPF deals with rural housing. This seeks to prevent isolated new housing in rural areas. Consideration of isolation is for the decision maker. This is not an isolated site. Wider issues of sustainability under the three strands of sustainable development identified under para 8 of the NPPF are contained within the main body of the report. Notwithstanding any conclusion on the ‘isolation’ point for para 79 development could still be unsustainable.

Emerging Plan

The emerging plan proposes a development boundary for Hailsham. WLP 7 permits housing development in relation to these areas. The site is located in MSOA 18 North. Under WLP 7 there is an allowance of 80 dwellings reserved for development. As this site can draw on AF1 mitigation, this is relevant to the HRA within this report. Delivery of housing on this site complies with the emerging plan.

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 5 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 and where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

The Council does not have a five year housing land supply. The last published Authority Monitoring Report showed a position of 2.62 years though this was for 2017-2018, with a base date of 1 April 2018. Matters have moved on since that time, including the evidence base to the Submission Local Plan 2019 (now part way through examination), together with revisions to the NPPF

Following submission of the Wealden Local Plan and production of the associated Air Quality Mitigation Interim Tariff, the Council is now able to rapidly improve its five year land supply position. It is projected within the Authority Monitoring Report December 2018 that once relevant consents are issued (those with resolutions to grant permission, awaiting the completion of legal agreements), based on the framework set by the submission Wealden Local Plan, the Council will be able to show in excess of a 5 year supply (5.69 years).

Ahead of the pending Authority Monitoring Report for 2018-2019, the latest position in the public domain concerning the LPA’s housing land supply position takes the form of evidence lodged to recent appeals. These include a Public Inquiry (Land at Mornings Mill Polegate) and a Hearing (Land at Camberlot Stables, Camberlot Road, Upper Dicker – a redetermination case following legal challenge). The latest land supply evidence was uncontested in both appeals.

The LPA can demonstrate, as of 1 April 2019, using the standard methodology for assessing housing need (which determines that the Wealden District requires 1,231 dpa) a five year supply of 3.67 years (or 73.4%). The shortfall amounts to 1721 (of projected completions over the five period). The Council will continue to update this position at regular intervals.

Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework take as a whole. With regard to the application site, the special emphasis in the presumption in favour of granting planning permission in such circumstances (Paragraph 11) does not automatically apply because of Footnote 6 and the application of policies in the Framework under Paragraphs 175 and 177. However in this instance mitigation is available for the dwelling such that the presumption would apply as there is no identified in combination impact to the protected site under 177. The shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development.
Generic development control policies are dealt within within the body of the report in terms of traffic, parking, neighbour amenity character of the area etc with the policies set out explicitly in the relevant policy list above.

**Traffic Impact and Access**

The existing access is dangerous. To improve this the boundary hedgerow would have to be removed. The new development seeks to move the access point and to secure acceptable visibility splays. As set out below there is a visual impact from this but in terms of the access point and design it meets required standards. Detailed parking and turning layouts can be secured at Reserved Matters stage. The indicative details show sufficient parking and turning of emergency vehicles but the Reserved Matters can be altered to secure the best layout, possibly by having a 2-storey unit to the frontage.

The Highway Authority have identified the significant wider highway improvement works already secured in the area by the large major sites. The site provides for the opportunity for a pedestrian link through the blue area of land to the south. This would secure a pedestrian link to the existing crossings to the south of Upper Horsebridge Road. It is not possible to link to the pedestrianised crossing to the north but a dropped kerb crossing (no signals or zebra crossings) is necessary to facilitate crossing of Park Road at the access. This can be secured via condition. The improvements to the bus stops are deemed disproportionate to the development.

Impacts on the wider highway network from this scale of development in addition to the significant allocated, built and consented development in this area would not result in any material impacts to the general free flow of traffic etc.

**Design/Streetscene**

The site has an effective landscape screen to the south with the large trees and allotments. There is sporadic frontage development along the road, albeit the new estate to the north has a large area of open space. To the opposite side of the road there is a large consented development including a school. This has some flatted development to the northern end which are three storey.
Whilst opposite the site is two storey dwellings it is clear that the character of the area is significantly going to change. The indicative details show part two storey, part single storey development. This is compatible with the newer dwellings built to the north west and the development to the east (to be built). Details could vary, but the tree screen to the south requires any buildings to be located to the northern section of the site to prevent long term threats to them.

It is necessary to remove some trees/hedges to secure appropriate access. There is a visual impact from this. It is necessary however and could be justified against the existing access potentially given the severity of the existing visibility limits. Landscaping Reserved Matters can secure an appropriate replacement front boundary as has been secured on the site to the north.
As set out above the internal parking and turning layout may need to be changed. This is possible as although the development is fairly tight in footprint terms, there is the potential to provide a two-storey element to the south of the access that frees more space within the site for turning facilities or emergency vehicles.

Views from the north will be across the open space and play area to the north. With the retained boundary the building will be contained from this area and viewed in the context of the substantial development of that site. It is of benefit the northern windows will provide additional surveillance of the play area and open space.

The site has limited open space in the indicative details. However setting the buildings away from the substantial trees and with the open space to the north, the buildings would not appear cramped and a communal garden area is provided to the south. It may also be possible to free up more space at layout/appearance stage through accommodation of development within a roof void area etc to reduce the footprint required.

**Impact on Neighbours**

The application is outline with all matters other than access reserved. The site is largely set away from the other dwellings and has allotments and open space to the north and south. New proposed development to the east sits to the opposite side of the road and would have a typical relationship for such development. There are two dwellings to the west/north west of the site that could be impacted upon. Full control at RM stage could be applied to control window positions etc but the indicative details show single storey development abutting these properties with the ability to restrict clear glazed windows to the rear elevations/roofslopes.

The indicative details show single storey development with shallow profile to the western end of the development where it abuts the neighbouring dwellings in the new development. This relationship would not cause unacceptable loss of light, outlook or privacy. It is clear that the development could be accommodated without serious detriment to these dwellings albeit the two story elements would be clearly visible from these properties.

**Affordable Housing**

The site has an existing dwelling on the site. As such the additional site only results in a net gain of 10 units and therefore there is no requirement for affordable housing.

**Tree and Landscaping Proposals**

Landscaping is a reserved matter. An arboricultural survey has been submitted which shows trees necessary for removal and also RPA for the remaining trees. Clearly the existing access is exceptionally poor in terms of visibility. Although the existing hedgerow and trees to the frontage provide some benefit to the streetscene the entire field boundary has been removed to the north for the new
development and it is justifiable in highway terms to remove the planting to allow for a better access with appropriate replacement planting. This could be secured under the landscaping RM details.

The indicative details have been revised to show an appropriate relationship with the large category A trees to the south. An arboricultural method statement will be required to control the minor works in the RPAs and to secure appropriate tree protection etc during development.

Detailed landscaping can be secured at the RM stage to include a new suitable front boundary and possible enhancement to the hedge on the northern boundary.

Ecology

The submitted ecology report and additional bat survey have identified no significant ecological constraint to development of the site. Suggested ecological enhancement measures can be secured via condition.

Flood Risk and Drainage

The site is in floodzone 1 and not constrained by floodrisk. Appropriate surface water drainage can be secured via condition. Although the LLFA, object detailed matters can be secured via condition once the final layout etc is set out at RM stage such that the objections raised do not merit refusal of the application.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Councils IDP and Regulation 123 List.

Habitats Regulations 2017

The proposal is not directly connected with or necessary to the management of the Ashdown Forest SPA and therefore it is necessary to determine if the proposal has a likely significant effect on the Ashdown Forest SPA. As the site is outside the 7km zone of influence there would be no recreational pressures from the dwelling on the site.

As new residential units they would generate additional new vehicular movements on the wider highway network. These movements would result in additional nitrogen deposition around the road networks these trips are distributed on. The modelling for the draft plan shows these will occur across the Ashdown Forest and Lewes Downs SACs and that all would experience likely significant effects to the site integrity and conservation objectives of each.
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The draft plan under AF1 has a mitigation tariff that can be utilised to mitigate for these identified in combination impacts form nitrogen deposition through a financial payment. This is limited to a finite amount within each MSOA and in some cases is apportioned to finite areas based on settlement or Parish. Under WLP 7 MSOA 18N has a windfall allowance 80 (20 for Lower Horsebridge Core area and 60 for development within the development boundary or policy compliant rural dwellings). This site falls in the development boundary and can use the allowance. Sufficient of this allowance remains and therefore the dwellings can be permitted in accordance with the Habitat Regulations as the mitigation would prevent an in combination impact.

5. Conclusion

The site is in an area of rural restraint under the local plan policies and consent should be refused unless material considerations indicate otherwise. In this instance the NPPF footnote 7 would render these adopted policies of limited weight owing to the lack of 5yr supply. For the purposes of para 79 the site is not isolated rural development and there are realistic alternatives to the private car for future occupiers. It is also complaint with the emerging local plan. As such the principle of development of the site for housing is accepted.

Turning to detailed matters the application is an outline with all matters reserved apart from access. The access has been shown to be acceptable. The indicative details show the development can be appropriately accommodated subject to further detailing at Reserved Matters stage. The proposal can provide for acceptable parking, does not result in significant adverse impacts to established residential amenities and would secure development that would not significantly harm the character of the area. As such it is recommended permission be granted subject to a legal agreement to secure AF1 mitigation.

6. Contact points and references

<table>
<thead>
<tr>
<th>Team Leader (S)</th>
<th>Samantha Prior - Tel: 01892 602479</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Officer:</td>
<td>Ralph Forder, Senior Planning Officer – Tel: 01892 602496</td>
</tr>
<tr>
<td>Ward Member:</td>
<td>Cllr D White.</td>
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