

Delegated Officer Recommendation

Case Officer: MT **Date:** 06 July 2021
Consults Expiry: 18 May 2021
Site Notice Expiry: 28 May 2021
Advert Expiry: 28 May 2021
Neighbour Expiry:
Expiry Date: 6 July 2021
Extension of Time:
BVPI Category: Large Scale Major

WD/2021/0672/MAO

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 60 RESIDENTIAL DWELLINGS INCLUDING 35% AFFORDABLE HOUSING. ALL MATTERS ARE RESERVED EXCEPT FOR ACCESS.

LAND EAST OF ROSEMEAD, HOREBEECH LANE, HORAM, TN21 9EA

Parish: Horam

LB ref:

Received Complete: 6 April 2021

Cons Area:

Recommendation - Refusal

Case Officer **Initials** **Date**

Pre-commencement conditions agreed with applicant? ü (tick)

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

NOT APPLICABLE

CIL Liable Yes No

CIL Exemption Claimed Yes No

Team Leader/Senior **Initials** **Date**

Authority to Delegate Required? **Date**

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

Admin

Decision notice checked **Initials** **Date**

CIL Liability Notice Issued **Date**

Reason CIL Notice Not Issued:

- Less than 100 m²
- Not Residential
- No increase in floor area
- Other: **N/a**

1. The site lies outside any development boundary and within open countryside. The principle of residential development would therefore not be acceptable having regard to local planning policy as it would be contrary to policies GD2, DC17 and EN27 of the Wealden Local Plan 1998 and Policy WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (CS). These, taken together and amongst other objectives, preclude development within open countryside, set a classification of settlements suitable for additional housing and the quantum of housing and also seek development that respects the character of the area.

The proposed development for up to 60 dwellings, fails to satisfactorily demonstrate that the site would be capable of accommodating the quantum of development proposed without resulting in an unacceptable and inappropriate form of development, that would significantly impact up on the visual amenity of the rural landscape character of this edge of settlement location and could therefore, not ensure a high quality and locally distinctive development appropriate to the locality.

The development does not therefore meet the definition of sustainable development within the National Planning Policy Framework and the harm identified would significantly and demonstrably outweigh the benefits of the proposal. The development would be contrary to Policies GD2, DC17, EN1, EN8 and EN27 of the Wealden Local Plan 1998; Policies WCS6, WCS9 and WCS14 of the Core Strategy; National Planning Policy Framework 2019 policies relating to sustainable development including Paragraphs 7, 8, 9, 10 and 11, those requiring good design in particular Paragraphs 122, 124, 127, 130 and those that seek to ensure that development protects and enhances the natural and built environment in particular Paragraph 170 together with Section 3 Paragraphs 1.2, 1.3, 1.5 and 1.8. Section 7 Paragraphs 4.1, 4.8, 4.12, 4.17, 4.34, 15.1, 15.3, 15.4 and 15.5.

In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission do not appear capable of resolution without major revision to the scheme.

2. The applicant has failed to provide accurate information on the existing drainage features within and abutting the site and sufficient details of the proposed surface water drainage arrangements to demonstrate to the satisfaction of the Local Planning Authority and the County Council as the Lead Local Flood Authority of the adequacy of the surface water management proposals and the associated flood risk arising from the proposed development.

The details as submitted therefore fail to demonstrate that adequate provision for Sustainable Drainage Systems can be satisfactorily accommodated within the site and that the development would not lead to increased risk of surface water flooding both on and off-site and therefore the proposal is contrary to Saved Policies EN1 and

CS2 of the Wealden Local Plan; SPO13 and Policy WCS14 of the Core Strategy Local Plan and national planning advice in the National Planning Policy Framework, specifically paragraphs 7, 9, 17, 58, 100, 103, 109, guidance offered within Chapter 4 Paragraphs 8.6, 8.7 and 8.8 of the Wealden Design Guide.

3. The Planning Statement speaks positively about delivering a policy compliant scheme to secure affordable housing, custom and self-build. No mechanism exists to secure an appropriate package that would ensure delivery of these matters and as a result the proposed development is contrary to the provisions of Policy AFH1 of the Affordable Housing Delivery Local Plan 2016, Spatial Planning Objective SPO3 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and the NPPF 2019.
4. Whilst a travel plan framework has been included within the Transport Assessment which is welcomed, there is not mechanism in place to legally secure the commitment to incentives to use alternative modes of travel other than the private car as detailed in the Plan. Moreover, there is no mechanism to secure the contribution towards seeking contributions to fund school and passenger services which an integral 'subject to' element in the no objection from the East Sussex County Council Transport Development Control comments in the application.

In light of that the scheme is contrary to Saved Policies GD2, EN1, TR3 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO3 and Policies WCS6, WCS7 and WCS14 of the Wealden Core Strategy Local Plan 2013, and the NPPF 2019.

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

Ref.	Date Stamped.	STN4R
Arboricultural Impact Assessment and Method Statement Rev 03	16 March 2021	
Design and Access Statement	16 March 2021	
Ecological Appraisal	16 March 2021	
Existing tree schedule and schedule of tree works	16 March 2021	
Framework Travel Plan	16 March 2021	
Heritage (Archaeology and Built Heritage) Desk Based Assessment	16 March 2021	
Landscape and Visual Appraisal Ref: A245-AS-02.V2	16 March 2021	
Part 1 - 4 - Flood Risk Assessment & Drainage Strategy V3	16 March 2021	
Planning Statement	16 March 2021	
Transport Assessment	16 March 2021	
Utilities Assessment	16 March 2021	
Location Plan PL-01 Rev E	6 April 2021	
Illustrative Site Layout PL-03 Rev P	16 March 2021	
Illustrative Block Plan Dwg PL-04 Rev E	16 March 2021	
Landscape Proposals Dwg A245-LA02C	6 April 2021	
Tree Constraints Plan Dwg LLD1815-ARB-DWG-001 Rev 01	16 March 2021	
Tree Retention and Protection Plan Dwg LLD1815-ARB-DWG-002 Rev 06	16 March 2021	

REASON: For the avoidance of doubt.

6. NOTE 1: Reason for refusal 2 relating to drainage and SuDS measures would not be pursued in any s78 appeal providing the information requested by the Local Lead Flood Authority has been submitted and accepted by the Local Planning Authority. Equally reasons 3 and 4 are matters that can be secured through an appropriate legal agreement and Statement of Common Ground. That being so, those reasons would not be contested in any s78 appeal.

Executive Summary

Outline application for up to 60 dwellings on land at Horebeech and up to Laundry Lane, Horam. The scheme follows withdrawal of an earlier application on the site which proposed demolition of a dwelling and access off Horebeech Lane. The current proposal shows access via the adjacent Rosemead development (which is considered an improvement on the earlier scheme) but continues to propose up to 60 dwellings.

For the detailed reason set out, it is not considered this parcel of land could satisfactorily accommodate up to 60 dwellings. That amount of development would cause harm to the character of the area which has been noted in a recent appeal decision on other land close by, to form a key transition point in this part of Horam.

Refusal is recommended. The primary reason relates to amount of development and consequential impact on the character of the area. With holding reasons relating to infrastructure and travel plan, coupled with surface water drainage. Informatives should be added to reflect potential to reach agreement on these issues subject to appropriate submissions.

1. Statutory Bodies and Residents - Responses

Lead Local Flood Authority Objection due to Insufficient Information

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

Detailed Comments:

The surface water drainage strategy provided shows a proposal to discharge surface water runoff into the attenuation pond for the Bovis/Vistry development which is currently under construction. The surface water runoff from this development discharges into the highway drainage ditch. We have particular concerns over the proposal to discharge surface water runoff into the attenuation pond for the adjacent development. This attenuation pond discharges runoff at a rate of 20 l/s into the highway drain and the application site proposes to send an additional 5.29 l/s into the pond. This proposal should be modelled in detailed incorporating the existing attenuation pond and proposed discharge to demonstrate that there will not be an increase in flood risk.

The proposals increase the runoff volume into the highway drain. Even if this leads to a maximum discharge rate of 20 l/s, it could result in this happening over an extended period, which will adversely affect the ability of the highway drains to manage subsequent storms. The agreement between East Sussex Highways and Bovis/Vistry with regards to discharge rate was based on discharge from the Bovis

Homes site only. Additional flows into the highway drains will, therefore, have to be agreed with East Sussex Highways.

The Bovis Homes drainage system agreed with the Pevensey and Cuckmere Water Level Management Board a maximum discharge rate of 20 l/s from a specified total impermeable area. Additional impermeable area through this drainage system without prior agreement with the Board changes that agreement.

Southern Water Services

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

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

It may be possible for some initial properties to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining properties. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

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

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

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

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

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if

such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

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

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

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

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

The Council's 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.

Should the applicant wish to offer the sewers for adoption under section 104 of the Water Industry Act, the drainage design should comply with the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) standards and Southern Water's requirements. Please note that non-compliance with the Sewerage Sector Guidance 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.

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.

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.

County Archaeologist

Approval subject to conditions

Recommend for approval in principle subject to the imposition of conditions.

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

If the Local Planning Authority is minded to grant planning permission, we ask that the following conditions are applied:

[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1].

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

Relevant National Planning Policy.

199. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Detailed Comments.

This application is accompanied by an archaeological desk – based assessment. As outlined in this document, evidence for the archaeological potential of the current application site has been provided by recent archaeological excavations undertaken at Rose Mead Farm, located to the immediate west of the application site. At Rose Mead Farm, the oldest material encountered comprised a thin scatter of prehistoric flintwork recovered mostly from the overburden. Some of this material appears to be Mesolithic / Neolithic in origin and is probably indicative of transient hunter - gatherer activity. A thin scatter of mostly charcoal - rich pits dating from the Middle to Late Iron Age was also discovered. However, the first tangible changes to the landscape appear to have occurred in the early Romano-British period when a ditched enclosure overlooking a valley to the north was established. Material recovered from this enclosure suggests that at least one iron - producing bloomery furnace was

operating locally during the 1st and 2nd centuries AD. In the medieval or early post-medieval period, the site was divided by a field boundary that was respected until the excavation of numerous mine pits for the extraction of iron ore. The archaeological investigations at Rose Mead Farm uncovered over 1,300 iron ore extraction pits in remarkably dense clusters. These features possessed diameters of up to 5m. and depths of up to 4m. and may be associated with the Heathfield Furnace complex which lay c.2km to the north-east. Heathfield Furnace was in operation between the 1690s and 1790s. Two hearths for roasting ore, also thought to date from this period, were also recorded.

The aforementioned archaeological desk – based assessment states that a 2006 aerial photograph “records mottled cropmarks, circular in character across the west and south of the study site there are similar circular features noted in the neighbouring site (Rose Mead Farm) where the post-medieval mine pits were recorded. The 2006 image suggests a continuation of these features within the study area”.

In my opinion there is therefore a high potential for the application site to contain in-situ archaeological features, deposits and artefacts of at least local significance. More specifically, the presence of further dense clusters of deep iron ore extraction pits analogous to those found at Rose Mead Farm and other features associated with the post-medieval iron industry seems likely.

In 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):

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfill any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.

The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist’s detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

Police (Crime Prevention)

No objection subject to amendments

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

I was very pleased to note from the Design and Access Statement submitted in support of this application, that the applicant's agent has clearly demonstrates their understanding of Secured by Design principles and its reasoning; singular vehicular access with no- through route, overlooked streets with natural surveillance, back to back gardens that eliminate vulnerable rear garden pathways, good demarcation of defensible space, robust rear fencing have all been considered within the development. Parking has been provided with overlooked, on-curtilage, on-street visitor parking and rear parking courts.

I would like to provide the following observations.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms

I note from the site plan that an existing public footpaths flows through the development, north to south. When introducing public footpaths into development caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed

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

Para 8.10 Footpath Design. SBD have identified that public footpaths should not run to the rear of rear gardens as this have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible • wide • well lit (within BS 5489-1:2013) • devoid of potential hiding places • overlooked by surrounding buildings and activities • well maintained so as to enable natural surveillance along the path and its borders. Where the footpath is deemed essential I ask that the above measure be incorporated into it. I support the green ribbon corridor running either side of the existing footpath as shown on the landscaping proposals.

Links that encourage movement onto the existing footpath from outside the development should be designed so that they link into the footpath before it enters the development and after it leaves the development, to reduce excessive permeability throughout the site.

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

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

In order to maintain as much natural surveillance and utilise the presence of capable guardians (a capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime) at all times, ground planting throughout the development should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. I would ask that consideration is given to the eventual location for any child play area in that it is surrounded with railings with self-closing gates to provide a dog free environment.

Whilst there are assumptions that no lighting will be considered by East Sussex County Council, lighting throughout the development will be an important consideration for public and parking areas including under-crofts. Where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. Under-croft lighting should be vandal resistant, energy efficient with dusk till dawn operation.

Accordingly Sussex Police would support the application from a crime prevention perspective subject to my above concerns and recommendations being satisfactorily addressed.

Highway Authority

No objection subject to conditions

Executive Summary

This application can be supported by this authority subject to appropriate conditions, a travel plan, bus service contribution and bus infrastructure (RTPI).

Response:

This application seeks outline consent for 60 dwellings to include 35% (21 dwellings) as affordable units. Being an outline application, the submission seeks approval for the access. The remainder of matters would be addressed at reserved matters stage (layout, appearance, landscaping and scale).

The main issues relating to access for this application are:

- Site and location
- Site access/Accessibility for non-car users

- Impact of development traffic on the highway network

Site and Location

The site is mainly greenfield and partly the curtilage of dwelling Cauldavon and outbuildings. Its location is south east of the village and has direct access onto Horebeech Lane, 350m east of the Cuckoo Trail link. Horebeech Lane is subject to 30 mph speed limit from the A267 junction up to a point approximately 190m east of the Cuckoo Trail, where speeds become derestricted. The application site is currently agricultural, and there are a small number of detached dwellings in its vicinity. The character and appearance of this local area is rural; the road has good forward visibility and carriageway width 5.5-5.8m. Vehicle speeds along Horebeech Lane have not been recorded since the mini-roundabout and Cuckoo Trail bridge section have seen enhancements to assist speed reduction. It is expected, however that the previously recorded speeds to be lower because of the works which include a gateway feature yet to be installed and 30 mph extension to be implemented through the Rosemead Farm development.

The village centre is approx. 1km from the site via the Cuckoo trail or 1.2km using Horebeech Lane. The village provides local shops, cafés, a post office and hairdressers, and can be reached easily on foot or cycle from the site. Primary and secondary school are further afield, with the most local primary school at around 2km distance.

Paragraph 3.9 of the transport assessment provides ATC data from 2018 and considers the flows representative. This is not the case since the development at The Rosemeads is approximately 50% occupied and would be generating traffic, with further occupancy due over the next year. This application should consider all flows associated with committed development in this location.

Site access

The site access for both vehicles and pedestrians is proposed onto Horebeech Lane from Rosemead Place mini-roundabout junction. The scale of the development at up to 60 dwellings could acceptably be accommodated at this arrangement and no further modifications are required in relation to what has already been secured in terms of highway works for the Rosemead site.

The access road (Poppy Drive) is shown as a 5.5m width to allow 2 way flow of vehicles at the access point and 2m wide footways to link with the existing footway network towards the village and Cuckoo Trail link and towards Laundry Lane. The road link from the Rosemead site into the application site is not indicated in terms of the construction widths. For the majority of the constructed estate, the roads have been put forward for adoption with the exception of a section between the turning head closest to the application land to the land where housing is proposed. This is unadopted and currently private. An indication should be given by the applicant whether this road that connects to the site will be upgraded to an adoptable standard and if the proposed internal roads are intended to be adopted. The layout of the proposed site is one of the matters reserved and can be considered at the next planning stage.

A swept path plan for a 12m long refuse truck is not required at this stage, as this is assumed to be accommodated on adoptable roads. At reserved matters stage, this

would be required to demonstrate the accommodation for the proposed site layout when submitted.

A footway provision is shown within the adopted road layout of Rosemead Place intends to link to the proposed development. Although this is part of the access provision, it is also part of the site layout and can be considered at detailed design stage. A footway provision of 2m in width is expected throughout the site to support pedestrian routes and connections to the existing PROW that runs in a north/south direction, linking Laundry Lane and Vines Cross Road. This is to ensure that there is suitable pedestrian connection for occupiers towards desire lines to village centre and Cuckoo Trail.

Internally through the site is a public right of way (footpath 11) and is shown to be integrated into the site's indicative layout. As layout is a matter reserved, the acceptability of the footpath in terms of its form is not for determination at this stage. Comments from the District Rights of Way team have expressed no objection to this indicative arrangement subject to conditions.

A stage 1 RSA is a requirement for access for all major development onto classified roads in accordance with ESCC Road Safety Audit policy. As the proposal intends to access from an existing mini-roundabout junction, it is not considered that an audit is required in this instance. Mini-roundabouts are designed to accommodate higher capacity traffic levels than The Rosemeads, in fact, having more balanced flows of traffic on the arms will improve how the junction operates.

Highway Impact

This is considered by undertaking assessment of the safety and capacity of Horebeech Lane and directly affected junctions on popular routes/desire lines from the site.

I have checked Sussex Police injury crash records over the last 36 months and there has been one recorded incident on junction Horebeech Lane/A267 which was classified as serious injury and due to driver failure to look properly. A further crash involving a single vehicle loss of control, also serious injury, took place in Marle Green. Road and features were not contributory factors to these crashes, and driver error was established cause.

A development of 60 dwellings has been used for trip assessment based on privately owned housing. The trips rate applied is consistent with those used for Land at Old Orchard House. A rate of 5.482 has been applied to all 60 units, considered to be robust as the proposal is for 39 houses and 21 flats (flats having a lower trips rate, at approximately 3.7) would result in 329 daily trips on the highway network. Based on housing trips rates in the peak periods 0800-0900hrs and 1700-1800hrs the emerging trips are 34 and 38 trips respectively. These figures have been calculated for privately owned housing (development proposed includes 35% affordable) and without flats (21 included in proposal). The trip rates are acceptable for consideration on the wider network and future forecast/growth.

The application even though proposed as seeking consent for access only has set out a housing breakdown as below.

Type	Number of units
1 bedroom apartment	14
2 bedroom apartment	7
2 bedroom house	17
3 bedroom house	17
4 bedroom house	5
Total	60

It is expected that from the site, turning ratios would result in the majority of vehicle trips to connect to the A267 and B2033. The junction assessments for the existing network to include committed development have been tested and included in the TA. The outcome of these modelling assessments summarised is:

Site access/Horebeech Lane – the development is likely to generate between 34 trips in the AM peak; and 38 in the PM peak. When these trips are added to the forecast 2028 to include committed development and yet to be determined Old Orchard House the total flows on Horebeech Lane are not likely to cause capacity issues.

Mini-roundabout A267/Horebeech Lane - Approximately 90% of development traffic will approach the A267 and this junction has been assessed in terms of delay and queuing. The TA addendum sets out the ARCADY output summaries for baseline, baseline+committed and baseline+committed+development. The junction currently accommodates the turning demands with a maximum queue length of 4 vehicles in the AM peak (northern arm A267), and 4 vehicles in the PM peak (northern arm A267). In 2028 with committed developments only, the queues at the junction arms increase by 3 vehicles on the A267 and by 1 on Horebeech Lane arm in the AM. Maximum queues in this scenario do reach practical reserve capacity which is a theoretical measure that is often overly robust for mini roundabouts. This has been previously demonstrated when considering the application at Old Orchard House where it was requested that actual turning counts be provided for a more relevant understanding of the mini-roundabouts operation characteristics. What has been demonstrated is that although modelling may set out levels of impact that may be close to reaching capacity, the reading of queue lengths is not wholly accurate when vehicles may be moving are moving whilst traffic clears the junction. Looking at this from a sensitivity perspective, the impact of this proposal over the committed development and growth, there would be an additional 1 vehicle queuing on each arm of this mini roundabout, the maximum queue length being 7-8 vehicles on the A267 arms and 3-4 vehicles on Horebeech Lane arm. The time taken to clear the junction is assisted by breaks in traffic at zebra crossing facility on A267 and turning movements on the A267 into other roads other than Horebeech Lane.

In terms of impact of proposed development related vehicles, there would be an additional vehicle onto Horebeech Lane approximately every 2 minutes as a result of the trip assessment of 60 houses. A mix of 39 houses and 21 flats as indicated in the application would no doubt result in less trips than this and given that this application is outline seeking access only as a detail, the trips assessment being robust is considered to be acceptable. The overall impact of this development would generate up to 38 trips in each peak period would not create a capacity impact on Horebeech Lane.

Parking/Servicing

This application seeks outline consent for access only, using the existing to be adopted access Poppy Drive. For consideration from a highway perspective is whether the parking and servicing needs of the quantum of housing proposed can be delivered as part of the preliminary layout. Parking provision should be sufficient so that there is no risk of overspill onto the proposed estate roads or onto Horebeech Lane. The schedule of parking is provided within the TA as 119 spaces, 98 resident spaces and 21 unallocated/visitor spaces. It is important that these are a minimum of 2.5m x 5m and it is preferable that garages do not contribute to the parking allocation as they are for the majority of the time not used for parking and instead are used for storage, which poses risk resulting in street parking which can obstruct service or emergency vehicle access. The layout is for determination at reserved matters stage and should include a swept path for a 12m refuse vehicle. The intention of applicant should be expressed should roads be offered for adoption. Electric charging points are expected to be available, whether at shared hubs or individually per plot. This can be considered fully at reserved matters stage and should be accompanied with a EV charging strategy.

Bin/recycling stores should be conveniently accessible for deposit by residents and collection by the refuse collection services.

Parking and storage for cycles should be safe and convenient. A total of 120 spaces for cycles is shown at this stage either in garden stores or garages. Cycle parking should be provided in as accessible areas as car parking to offer sustainable transport modes as a convenient choice.

Travel Plan

A travel plan framework has been included within the TA and is a welcomed feature for this proposal. There should be incentives to use alternative modes of travel other than the private car through a residents' information pack, cycle vouchers, bus taster tickets, shopping delivery vouchers through a selected retailer, and biannual visits from a bike doctor, for example. This can be secured through an appropriate legal agreement and surveys will be expected to be submitted at baseline stage (min occupancy of 25 units) and year 1, 3 and 5. The TP will attract an auditing fee of £4500.

Public transport – the County Passenger Transport Team has been consulted on this application and comments have been provided seeking contributions to fund school and passenger services. Currently, the closest bus services are 1.3km from the centre of this site which is beyond the ideal distance of 400m. It is noted that Rosemead Farm development did not seek a bus contribution which was at the time considered on balance with the focus on providing a convivial non-motorised route by reducing the speed limit and improving footway and links to the Cuckoo Trail, and distance to the bus stops, although did exceed the 400m ideal distance, walking routes are present along the Cuckoo Trail and Horebeech Lane and 800-900m. This scheme pushes the distance to reach bus stops further though it transpires that routing a bus via the mini-roundabout into Horebeech Lane is problematic from a safety perspective (with no scope to further improve this junction) contributions cannot sought to potentially extend the bus services to be closer to the proposed housing in this location (or adj to Orchard House - 58 dwellings). It is noted that the route to the bus stops at Merrydown Village is supported with footways and a zebra

crossing and although exceeds the recommended distance, the route is does not encounter difficulties to reach the village centre.

- Provision of transport to and from Heathfield Community College. This is the nearest secondary school to Horam and pupils are entitled to free transport due to living more than 3 miles away. The three double deck school buses linking Hailsham, Hellingly, Horam, Maynards Green and Heathfield College (routes 267, 268 and 269) are at full capacity. A further bus at a cost of £49,400 per annum is requested to cope with the increased school travel requirement.
- The pupil capacity of Heathfield Community College will, I hope, also been considered. It is a popular secondary school and attracts pupils from Hellingly and Hailsham in preference to Hailsham Academy. If both secondary schools reach their capacity, then this will increase demand for Ringmer King's Academy and Uckfield College, again with cost implications for further school transport provision.

To support this scheme, a bus related transport contribution is required to support the current at capacity school bus service, and to enhance closest stops on the A267 with real time passenger information. A revised highway response will be provided for the application at land adjacent to Old Orchard House.

The total funding requested is £418 per unit per year for 5 years, amounting to £25,118 per annum, proportional to the contribution sought when shared with the site proposal at Old Orchard House.

Conditions:

- 1) No development shall commence until the vehicular access (from The Rosemeads) serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 2) The development shall not be occupied until car and cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for those uses

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

- 3) 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

- 4) 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.

- 5) The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with 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

- 6) The new estate road/s shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to subsequent adoption as publicly maintained highway

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

Please note:

- i) The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
- ii) Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex County Council' Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.
- iii) S106 requirement: A Travel Plan is required in association with this development to ensure that private car trips to and from the site are minimised. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. The Travel Plan should be secured by a s106 legal agreement [between the applicant and East Sussex County Council as Highway Authority in accordance with the ESCC guidance 2020.
- iv) S106 requirement: RTPI signage for both Merridown Village bus stops and school bus services are requested at £418 per unit per year for 5 years.

Environment Agency No comment

This application falls outside our External Consultation Checklist (please see attached) therefore we have no comments to make.

ESCC Fire & Rescue Comment

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

ESCC Rights of Way No response received.

Horam Parish Council The application was recommended for refusal. Members of Horam Parish Council's Planning Committee made the following comments with regard to their decision:

1. The access onto the poorly designed roundabout is not suitable for another 100+ cars. HPC have always said it is badly designed and in the wrong place, a right-hand turn lane would have worked better. Adding to this problem is the narrow, offset, priority bridge. There should have had a footbridge alongside the wall. Basically, the recent change to the highways have been a disaster.
2. The current access for commercial traffic should remain until both builds have been finished.
3. The Horebeech Lane junction with the A267 was already at its capacity before the development at Rosemead. The Traffic Survey refers to the amount of vehicles using Horebeech Lane. Traffic movements have increased significantly due to subsequent development in Hellingly. (Copy of recent Traffic Survey attached).
4. The increase in traffic would blight the area and have a detrimental effect on air quality. This is overdevelopment of the area between the bridge and Laundry Lane. Horebeech Lane is a narrow road and the pavements are inadequate. There will be an increase in traffic from the new development in addition to that from Rosemead.
5. There is no accessibility to local services and facilities. The proposed development is too far to walk to local services ".....is beyond an 800 metres (m) walk as recommended in Manual for Streets...". (Appeal Decision Ref APP/C1435/W/19/3227196 paragraph 10 refers).
6. The Planning Inspector commented (Appeal reference: APP/C1435/W/19/3235754 Land adj Old Orchard House, Horebeech Lane, Horam TN21 9DZ dated 7th August 2020) "(16) I therefore conclude that the proposed development would lead to reliance on the private car by future occupiers. As such, the proposal would conflict with Policies SP07 and SP09 of the CS. Together, the policies seek to ensure that, amongst other things, development minimises greenhouse gas emissions, and it is easier to travel by more sustainable modes of transport"
7. Members noted that no Protocol Meeting had been held and questioned why? The application form is not complete. Section 23 says that pre-application advice was sought, but from whom? Mr. ?
8. The proposed development is too near Laundry Lane and there are flats on the corner which will be overbearing. It is totally out of character and the rural aspect of the streetscene is being taken away. There needs to be a larger buffer zone to Laundry Lane and existing dwellings. A large green space needs to be a centre point

with other green areas. There should also be a wildlife boundary. This is countryside NOT a big town.

9. There needs to be far fewer houses of a good design and NO flats. They should be built to a high insulation standard with solar panels and car charge points (WDC's Climate Change Policy). There should be fewer outside lights (WDC's Dark Skies Policy). There is also a need for sufficient parking.

10. There is a primary school in Maynards Green which is currently over-subscribed, so there is no guarantee that any future residents would be able to attend the facility which would lead to them having to travel elsewhere.

11. There is insufficient infrastructure in the village. There is no bank and the doctors surgery is run by locums. There is a newly established outreach Post Office service on a Monday morning.

12. There is also concern about ground conditions, water run-off onto other land and road ditches.

13. The area has been damaged by Rosemead and a further extension should not be considered, blighting the countryside.

14. HPC are concerned about this development's impact on Climate Change and light pollution.

15. HPC asks WDC, when reviewing this application to take these into account and apply conditions.

Response to Parish Council – None required.

Other third party responses (including local residents)

32 household comments, full details can be read online, a summary is below:

Roads and traffic:

- The transport and road assessments give no information about increased traffic along Laundry Lane
- Increase in traffic and commercial vehicles
- The Cuckoo Trail Bridge is already constricted and congested
- Access off Poppy Drive is unsuitable
- Access is right next to the play area
- The roads on Poppy Drive are too narrow for an access
- Access via Laundry Lane would be more suitable
- The mini roundabout by the Rosemead estate is already causing issues
- Car reliant development
- Unsafe area for cycling
- The mini roundabout at the Rosemead Estate is not safe, drivers often cut across it rather than go round
- The nearest bus stop is in the village centre over 1km away
- Insufficient details of how the access road will be constructed across the footpath

Environment:

- A very large development in a very rural setting
- Inspector has previously refused applications on the grounds of unsustainability (WD/2018/0509/MAJ)
- There is often flooding on the field
- Landscape buffer should be part of the outline application
- Impacts on the AONB
- Brownfield sites should be used before sites like this
- Increase of pollution from light and air
- Bat roosting on site in the outbuildings
- Removal of valuable farmland
- Impact on dark skies
- Negative impact on sheep welfare for local farmers e.g. sheep stress
- Houses are not eco-friendly enough
- Water and sewerage system are at capacity
- The site was assessed as having low to medium sensitivity which is just not true

Infrastructure:

- Lack of local infrastructure such as GPs, public transport, schools, dental practices
- Already many new houses in the area
- Affordable housing on previous sites has not materialised
- Overdevelopment
- Lack of local employment opportunities
- Affordable housing should be assigned to local people

Application details:

- Outside the development boundary
- The SHELAA described the site as 'remote from local services and facilities and disconnected from the village... and unsustainable'
- There are feelings of a predetermined application – for example changes to the SHELAA comments
- This application appears pre-determined from the site access through the Rosemead estate
- No buffer zone for existing residents
- WD/2018/0509/MAJ deemed unsustainable and inappropriate by the inspector

Other:

- The site has value and has an extremely well-used public footpath
- Detrimental to tourism in the area
- This will impact people's mental health
- Visual impacts for neighbouring properties
- Loss of privacy
- Increase of crime
- Outside development boundary
- Detrimental to footpath 11 across the site will be ruined
- Impact on local residents mental health and wellbeing
- No effort has been made to protect privacy of adjoining neighbours

2. Other Relevant Responses/Issues

WDC Housing.

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

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

A recent breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants' require is set out below. As the Outline Application includes an indicative affordable housing mix, this has also been included for comparison.

Size of unit	Number of applicants on Housing Register	Percentage of Housing Register	Proposed with application	Percentage of units proposed
1 bedroom	339	52%	9	43%
2 bedroom	199	30%	4 flats 4 houses	38%
3 bedroom	92	14%	4	19%
4 (+) bedroom	23	4%	-	-
Total	653	100%	21	100%

The data from the Housing Register shows there is an acute need for smaller units. The Housing Service is therefore pleased to see that over 80% of the proposed affordable housing units are 1 and 2 bedroom units.

Although the indicative affordable housing mix would be considered acceptable, to further improve the mix, the Housing Service would suggest converting two of the 2 bedroom flats to 1 bedroom flats. This would increase the number of 1 bedroom flats to 11 (52% of the total) and reduce the number of 2 bedroom properties to 6 (29% of the total). Not only would this ensure that the affordable housing mix better reflects the needs of the Housing Register, but it would also reduce the number of 2 bedroom flats, which can be more difficult to let.

Registered Providers have advised that too many 1 bedroom flats in one area can raise concerns on management grounds. For this reason it would be preferable that flats are located in blocks of no more than 4 and more evenly distributed throughout the site. Having 1 and 2 bedroom flats in separate blocks may also be beneficial to minimise the risk of housing management issues between households with children and those without.

The NPPF 2019 stipulates that 10% of the site should be made available for affordable home ownership. On a site of 60 units this would equate to 6 units. The remaining 15 affordable units should be made available to rent.

Horam, like many areas of Wealden District has an acute shortage of affordable

housing. In addition to this, the rate of turnover of affordable homes there is very low which results in long waiting times for people that need affordable accommodation. Applicants with; 1) a connection to the parish, or 2) a connection to an adjoining parish would be given preference over those with no connection to the area. The data in the table below is taken from the Housing Register. It shows the number of applicants currently seeking affordable rented accommodation in Horam and the adjoining parishes.

Parish	Number of Applicants with a Local Connection.
Horam	15
Heathfield and Waldron	46
Chiddingly	2
Hellingly	13
Warbleton	3

In recent years there have been occasions where it has been difficult for developers to find Registered Providers that are willing to take on affordable units on smaller sites. Where none of the Council's preferred Registered Providers are in a position to offer on such sites the Council has recently started working with some alternative affordable housing providers. In this instance the applicants are encouraged to contact the Housing Service should they wish to explore this further. If it is not possible to identify a Registered Provider for the units, an off-site affordable housing contribution by way of a commuted sum would be considered.

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

WDC/Rother Pollution

Air Quality

As this is a major application, consideration has been given to the Air Quality and Emissions Mitigation Guidance for Sussex (2021). This is used to ensure that consistent advice is provided about air quality mitigation by Local Authorities across Sussex. For a major development such as this the guidance advises that an Air Quality Assessment and an Emissions Mitigation Assessment be required. The purpose of the latter is to quantify the monetised health damage value associated with transport emissions from a proposed development. As this is a significant development, some increase in traffic on local roads due to the developed site is to be expected. It should be noted that air quality in the Wealden area is generally good. However, the National Planning and Policy Framework (NPPF) indicates that policies and decisions should work to sustain current standards and identify opportunities to improve air quality. This is because any decrease in air quality will have a negative health impact.

In view of the above it is recommended that prior to commencement an air quality impact assessment and mitigation cost calculation is undertaken for this development. This has been recommended as a condition below.

Noise and Dust

Construction noise and dust is likely to impact on existing neighbouring properties. These properties have already had a large plot nearby built out recently and are likely

to be more sensitive to another round of construction works, especially as it will be taking place even closer to their properties. I would therefore require a Construction Environment Management Plan highlighting how the developers will control noise and dust from the site and reduce its impact on nearby properties.

Potentially Contaminated Land

Upon checking GGP, the land itself does not show any indication of land contamination, however there is land nearby to the south (approximately 70 metres) and south east (approximately 15 metres) of the site which has been used for brick manufacture and as a land fill or pit. Consequently, it would not be unreasonable to expect some localised land contamination. Therefore, as this development is for new residential properties with garden areas, a full phased contaminated land condition is recommended for this plan implementing at least all of the recommendations of the Phase 1 Geo-Environmental Desk Study undertaken for the site and reported by the Land Science consultancy in October 2019.

Overall Recommendation - Approval with condition

Air Quality

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

Informative

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

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

Potentially Contaminated Land

CL01 (amended as below to reflect the withdrawal of The Model Procedures for the Management of Land Contamination (CLR 11) on 8 October 2018), CL02, CL03 and CL04.

Construction noise and dust: Construction Environment Management Plan CO4(M)

Amended wording for CL01

CL01 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's "Land Contamination Risk Management (LCRM)" web pages

<https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm> . CL01

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Policy ##### of the adopted Wealden Local Plan and Policy ##### of the Non Statutory Wealden Local Plan.

WDC Footpath

No objection

As shown on the attached plan, public footpath Horam 11 runs north to south through the application site.

From the plans attached to this application, it would appear this public right of way will not be obstructed as a result of this application and I would therefore have no objection to this application on rights of way grounds. However, 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."

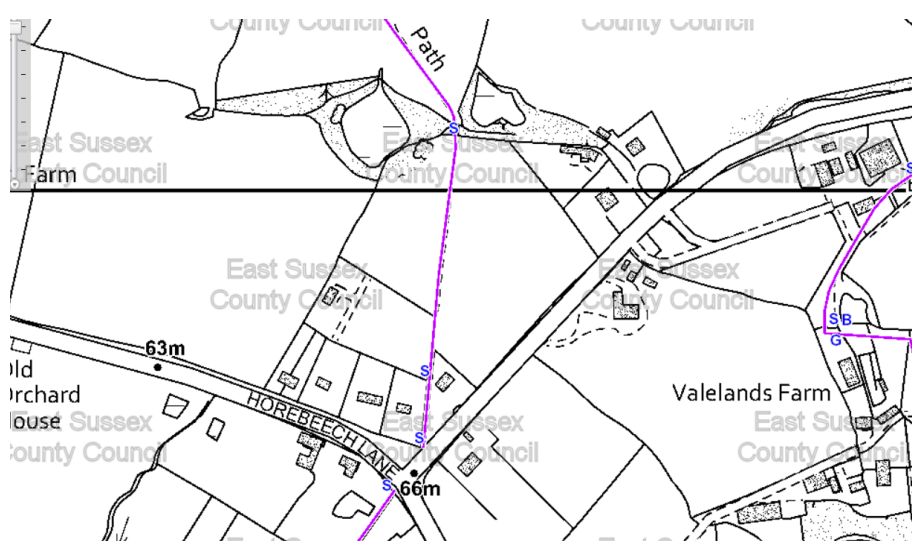
c). "that the stiles to the south of the application site be removed and replaced with gaps and the stile to the north of the application site be replaced with a self-closing gate."

d). "that no materials or plant shall be stored on the land forming the public right of way."

Reason "Protection of public amenity".

I would wish the following advisory note to be applied to any planning permission which may be granted:-

"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 Drainage

Objection

Flood Risk

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

There are no ponds or watercourses within the application site shown on the EA flood map. There is an ordinary watercourse rising on the opposite side of Horebeech Lane to the site and running southwards. There is a pond abutting the north-western corner of the application site and many others in the neighbourhood.

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.

Surface Water Drainage

Infiltration is the first recommended drainage method in the SUDS hierarchy but the underlying mapped geology of the site and the high number of watercourse and ponds on the surface suggests that this is very unlikely to be a usable solution for this site. The 1996 borehole details for the former Merrydown site adjacent to the A267 show layers of clay to a depth of at least 71 metres. No infiltration testing has been carried out to establish the actual rate on site and I believe that to do so would be a waste of resources.

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

The solution proposed divides the site in two either side of the public footpath. The western side is drained by a pipe and manhole system taking a mixture of roof and highway water and conveying it to a retention tank pond sited to the west of the houses. The eastern side is drained by a pipe and manhole system taking a mixture of roof and highway water and conveying it to a retention pond sited near the south-eastern corner of the site. From here, water is discharged at a controlled rate of 5.5 l/s to the tank serving the western part of the site.

This tank in turn discharges at a controlled rate of 5.29 l/s into the existing attenuation pond serving the Bovis scheme to the west of the application site. However, no evidence is provided that the existing attenuation pond serving the Bovis scheme is capable of taking these additional flows. In addition, no evidence is given that Bovis have agreed to this course of action.

Paragraph 4.7.3 states that this proposal would increase the outfall from the Bovis pond by 5.3 l/s. No evidence is provided that the outlet watercourse can take this extra flow nor that its owners have agreed to do so.

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. The LLFA have indicated their reservations concerning the outlet capacity in their memorandum of 18 May 2021.

I note that it is intended to offer this surface water system for adoption, despite the reluctance of Southern Water as the local utility company to accept such schemes. I would wish to see some evidence in writing that Southern Water are prepared to accept this scheme. Consideration must be given as to the siting of as much common drainage as possible within public open spaces with sufficient access for maintenance purposes. The maintenance plan supplied at present is generic and 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.

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

For information, please note that the development may increase the rate and/or volume of water being discharged into the Pevensey Levels Internal Drainage District (compared to the status quo), and so an application may need to be made to the

Pevensey & Cuckmere Water Level Management Board seeking consent under the terms of its Byelaws. If it is considered that a proposed increase in flows can be safely and adequately dealt with by the receiving waterbody and wider drainage network, then consent may be issued (although consent is not guaranteed to be given). Any permission granted by the Board would be subject to conditions, usually including entry into a legal agreement and the payment of a Surface Water Development Contribution to the Board. Details and further information can be found on the website at

https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf. Further details regarding the Board's application procedure and associated payments which may become due are also available on this website.

It is my understanding that the adjacent, Bovis, site has already reached agreement with the PCWLMB for the discharge at 20 l/s from their own site and the additional flows proposed from this new site would be in breach of this agreement.

For the reasons given above, I would object to this planning application on surface water grounds until the issue of the proposed additional discharge through the adjacent site can be resolved.

WDC Conservation and Design

I have considered the submissions, including the Heritage Desk Based Assessment and can confirm I have no heritage based observations to make on the proposals.

WDC Waste Management No Objection

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

Property types

Where houses are proposed, each dwelling should have adequate storage for 1 x 180 litre refuse bins and 1 x 240 litre recycling bin. Residents may also subscribe to the garden waste service for either a 140 or 240 litre garden waste bin (subscription charge started July 2019).

Details on the size of these bins/containers can be found at the following address.

<https://www.wealden.gov.uk/recycling-and-waste/recycling-and-waste-collection-container-size/>

Residents will be required to move the bins from a storage point within the boundary of the property, to the edge of the property (or suitable presentation point as identified) on the scheduled collection day.

For the two communal properties (plots 16-22 and 52-58) we would look to provide individual waste bins at each block (1 x 180 litre refuse bin and 1 x 240 litre recycling bin per unit). Therefore, the bin store will need to be large enough to accommodate this number of bins.

However looking at the illustrative layout, this indicates that the bin store for block 16-22 will be accessed from an area that looks to have parking spaces in front of the doors. We would not find this acceptable because if a car is parked in this space at the time of collection we would not be able to safely gain access. Furthermore, this would make it difficult for residents to use as we would also recommend that the

doors open outwards (to avoid uncontained waste falling against the inside of the door blocking access). Providing there is suitable width, one option would be for the doors to be placed on the southern end of the bin/bike store as indicated by the blue arrows on the image to the right.

Vehicle access Before I could fully comment I would require swept path analysis to be provided using a vehicle of 12m length as recommended in the developers guide (see link below).

<https://www.eastsussex.gov.uk/media/8315/planning-policy-good-practice-guidance-refuse-andrecycling-collections-mg4.pdf>

At present, I can see that bin collection points (BCP) have been provided for several of the properties although no details have been provided to show a presentation point for plots 59 and 60. In addition, I would require clarification that the BCP opposite plot 9 is only for plots 10, 11, 36 and 37.

Pre-Application Matters Pre application discussions took place between the withdrawal of an unacceptable application and the submission of this application.

Officer advice spoke of the site constraint that would require a sensitive treatment for the footpath and edge of settlement location. Officers highlighted concerns over density given the quantum of growth proposed

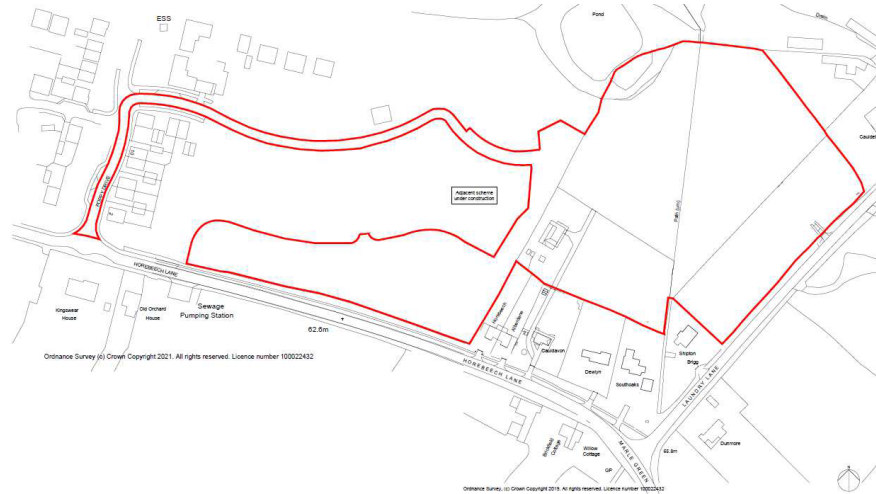
3. Relevant Planning History

Application No.	Description	Decision and Date
WD/2020/0368/MAO	OUTLINE APPLICATION FOR THE DEMOLITION OF CAULDAVON AND OUTBUILDINGS TO THE REAR, AND THE ERECTION OF UP TO 60 RESIDENTIAL DWELLINGS (35% AFFORDABLE) AND PROVISION OF A NEW VEHICULAR ACCESS FROM HOREBEECH LANE.	WITHDRAWN 18/09/2020

4. Details of Case

The Application Site

The overall site area extends to 3.13 Hectares. The Application Site boundary is shown edged red below:



The main part of the site is an irregular shaped parcel of land comprised of grass fields, located to the east of the Rosemead Place development, through which it is accessed. The existing attenuation pond within Rosemead Place (in addition to land for subsurface storage) also supports the proposed drainage infrastructure at The Site and is therefore included within the red line boundary.

The Site is bounded to the east and west by hedgerows which screen views from both Laundry Lane and Horebeech lane. Views from Horebeech Lane are also screened by the ongoing development at Rosemead Place. There is a small wooded area to the north and north west boundary. These trees are not designated.

There are houses to the south of the site with their gardens abutting the southern part of the site.

The Development Proposals

Outline planning permission is sought for the construction of up to 60 dwellings (including 35% affordable housing). Vehicular and pedestrian access would be taken from Horebeech Lane, through the adjacent Rosemead Place development.

All other matters are reserved. However, an illustrative masterplan is submitted in support of the application. It demonstrates how the site could be developed to achieve up to 60 units, taking into account topography, site constraints and existing landscape features.



Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19th February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- 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)

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).

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 8, 11, 54-56, 59, 103, 108 – 110, 124, 127, 130, 170, 175 189 – 199, 213 of the NPPF.

- Saved Policies GD2, EN1, EN8, EN12, EN14, EN18, EN27, EN29, DC17, TR3, T16, CS2 of the adopted Wealden Local Plan 1998.

- Spatial Objectives SPO1, SPO3, SPO7, SPO9, SPO10, SPO11, SPO12, SPO13 and Policies WCS2, WCS4, WCS6, WCS8, WCS12, WCS13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan (2015).
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapters 2, 3 and 7.

Principles of Development

The application site is located outside the defined development boundary for Horam and within the Low Weald landscape character area.

A public right of way crosses the site in a south-north axis.

Main Issues / Policy Issues

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

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

The development boundary for Horam has been retained as the village has been categorised as a Local Service Centre. Paragraph 3.6 of the Core Strategy indicates that development boundaries may be moved where housing growth indicates that it will be required which would be undertaken as part of the Site Allocations DPD. This is formalised by Policy WCS6 which advises that retained or new development boundaries will be reviewed as part of the Delivery and Site Allocations DPD as appropriate. The adopted Core Strategy Local Plan 2013 clearly accepts that the development boundaries contained within the 1998 Local Plan will have to be

breached to deliver the level of housing required and also clearly identifies Horam as a suitable location for development. Indeed policy WCS6 indicates a growth potential for Horam as significant allocating at least 100 dwellings between 2006 and 2027.

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 adopted settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

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 1st 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 proposed development.

General Policy Matters

Saved Policy EN27 seeks development that protects the existing character of the area and established residential amenities. Saved Policy EN8 seeks to protect the character of the Low Weald landscape area, and EN12 seeks retention and enhancement of trees and woodland, and EN14 seeks landscaping in appropriate cases. Saved Policies TR3 and TR16 seek appropriate parking and access. The policies are consistent with paragraphs 108 – 110, 124, 127, 170 and 175 of the NPPF.

Design / Impact on Street Scene or Wider Landscape

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.

Officers do not consider that the site can accommodate this level of development with the mix proposed. It must be emphasised that this is an outline application and layout is not for consideration at this stage, however there are clear issues in meeting the spatial requirements that clearly indicate to officers that this development cannot accommodate a scheme of 60 dwellings and provide a satisfactory development appropriate to the locality.

The primary concern relates to the layout of the site, location on the built edge of Horam exacerbated by the fact the site is crossed by public right of way.

It is acknowledged that the description of the development, by stating “up to” 60 units gives an element of flexibility in addressing these issues at detailed design, however the applicant has failed to demonstrate an acceptable quantum of development that can be provided on site.

In an appeal for 58 dwellings on land close by (WD/2018/0509/MAJ and PINS 3235754) this part of Horam was described as

“The appeal site forms part of the ‘green frame’ surrounding the eastern and southern edge of the village of Horam, south of Horebeech Lane. It also provides a ‘green break’ on the southern side of Horebeech Lane between the eastern end of Horam and the hamlet of Marle Green. As such, the site is within the countryside and contributes to the rural character and identity of the setting of Horam and Marle Green.”

This description would hold firm for the subject site.

The following combination of factors would contribute to a noticeable urbanisation of the ‘green break’ between Horam and Marle Green: the volume of houses; the likely

inclusion of flat blocks in order to get to 60 units (else the density and spread of units would be greater as shown on the earlier withdrawn scheme), the associated expanses of roadway and parking spaces to serve the development. Moreover, the proposal would, in combination with the nearby Rosemead Farm development cumulatively substantially extend the built-up character of Horam east of the Cuckoo Trail to an unacceptable level. The above effect of the proposal would be particularly noticeable from the right of way and then from Marle Green, Laundry Lane.

Traffic Impact and Access

The proposed access via the neighbouring development site represents an improvement upon the withdrawn scheme. It would reduce the impact of the development upon the street scene as a new access would not be required. Notwithstanding the comments lodged in opposition, including from the Parish Council, the Highway Authority do not raise objections to the proposed development.

However, that lack of objection was contingent upon securing measures to encourage alternative modes of transport (via a Travel Plan) and including a commitment to fund school and passenger services. This is explained in detail within their advice to the Council, including an explanation as to why the adjacent development did not require such a contribution (set aside because of other measures). The applicant has indicated a willingness to sign a legal agreement to address such measures but no agreement is in place at this time.

Impact on Adjoining Properties

There is an element that the effect of development would be controlled by the Reserved Matters and there is control in regard to position relative to boundaries, loss of light and privacy. That is correct in broad terms. However, there is a tension here in regard to the 'up to' numbers. At 60 units it is more likely to result in development bulking the boundaries (to protect privacy and light etc.) and by exercising control to resist that, it makes the likelihood of flat block and greater density, volume of spread across the site more likely.

Affordable Housing and Custom /Self Build

The proposal sets out a commitment to secure affordable housing. This provision is in line with Policy AF1 of the Affordable Housing Delivery Local Plan (i.e. 35%), and the Council's Housing Development Team are supportive of this.

Elsewhere, the scheme refers to delivering 5% of units as custom and self build units bearing in mind the deficiency of these in the District.

To ensure that the appropriate level and tenure of affordable housing is provided a s106 legal agreement will be necessary. No such agreement is in place and to safeguard the Council's position a further reason for refusal is recommended.

Ecology

The submitted Ecological Scoping Survey reports that the site does not have evidence of, or habitat suitable for protected or notable species. The proposed development of the site is not likely to have adverse effects on protected species, and enhancement measures could be incorporated as part of landscaping scheme and/or controlling conditions in event of an approval.

Flood Risk and Drainage

At the time of writing this report the application attracts an objection from the Lead Local Flood Authority and the WDC Drainage Engineer. Objections are based around the proposed connection to the surface water drainage system of the neighbouring development. The LLFA note that the neighbouring development discharges at 20L/S a rate agreed with the Pevensy and Cuckmere Drainage Board. They note that the submission do not include evidence that the additional 5L/S that would enter that system from this development could be accommodated by the drainage board .

The WDC Drainage engineer notes that the capacity of the combined systems has not been assessed. Concerns are raised about the effect of the additional green field run off from this development upon the existing system.

Officers note that the LLFA have commented that they would consider any further details provide by the applicant or their agent. Whist the Council has not invited any further submissions it is acknowledged that this issue could have a solution that would overcome the objections (holding) of the LLFA. Nonetheless, at the time of writing this report the Council does not have the benefit of a positive consultation response from the LLFA who are the statutory body. If the applicants or their agents are able to address this issue and the decision of the Council were appealed the Council would not pursue with this issue. For the purposes of this recommendation and given the current view of the LLFA and Councils Drainage Engineer a reason for refusal based on surface water drainage has been recommended.

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

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG) Paragraph: 002 Reference ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. However, evidence in the form of visitor surveys carried out for the Council demonstrates that it is residents living within 7km of the Ashdown Forest are likely to visit it. The application site is beyond the 7km distance and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Assessment of likely significant effects on the SAC

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

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

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

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

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an

improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

The development proposed is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of failed duty to cooperate. 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

The development lies outside of any development boundary. It is acknowledged that the Council does not have a five-year land supply. In these circumstances, the Framework directs that the policies most important for determining the application are out of date. Paragraph 11 states that planning permission should therefore 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.

The proposal is for the construction of up to 60 homes. This would contribute to the overall supply of housing within the District. The development whilst outside of the development boundary would be located close to an existing settlement. It has commitment to providing 35% affordable housing meeting the policy requirements of AFH1 and 5% self-build units meeting an existing demand for such accommodation on the Council's self-build register helping the Council fulfil its statutory duties in this respect. In this respect and subject to a legal agreement securing that, the proposal would help delivery towards the supply of homes and therefore complies with relevant policies in the Framework.

The ESCC highway advice is clear. The scheme would not lead to hazardous or dangerous road conditions and no objections are raised in regard to road safety. However, in the absence of mechanism to secure the Travel Plan and funding for school place travel the subject to element of their advice is not met. An objection is therefore raised (even if on a holding basis).

There are design related issues and whilst this could normally be addressed as part of a subsequent reserved matters application, in recognition that the application is solely for the principle of development and access, the applicant has not been able to demonstrate the quantum of development can be satisfactorily accommodated on the site. This is of significant concern.

In addition, it is not yet proven that lining into the SuDs features on the adjacent site is an acceptable way of dealing with and attenuating surface water flows. It may well be the case that this can be demonstrated but at the point of determination the concern aired by the LLFA have not been addressed.

Overall, even taking into account the significant shortfall in housing land supply, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.