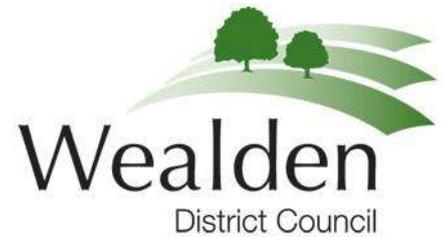


OUR REF: SR/PE/2020/0781/E
ASK FOR: Mr S Robins Tel: 01892 602518
DATE: 21 January 2021
YOUR REF: JB/15243



Jonathan Buckwell MRTPI

Head of Planning and Environmental Services

DHA Planning

Dear Mr. Buckwell,

PE/2020/0781/E UP TO 35 UNITS LAND AT SNATCHELLS FARM, CROSS IN HAND, HEATHFIELD

I refer to the above matter discussed during our Teams meeting. Can I thank you for engaging with the Council at pre-application stage. As agreed, I set out below the broad points we discussed.

Principle of Development

The development plan has a statutory status as the starting point for decision making. This land is outside the development boundary for Heathfield in the 1998 Local Plan. It is also in the AONB. Residential development should be refused in line with the Plan unless material considerations indicate a contrary decision can be made.

The most relevant material considerations are within the NPPF, together with the context of adjacent land also outside the development boundary and which has seen recent planning permission(s) granted for housing development. This includes the site at what was Tilsmore Lodge which we touched upon during our discussion.

The Council are currently unable to demonstrate a five-year housing land supply as required to by the NPPF. Although the supply figure is 3.67 years, the recent results of the Housing Delivery Test require the Council to add a buffer to the normal 5%. The effect of a further 15% means the supply is less than 3 years. There is no doubt that housing need is pressing and a significant consideration. In such circumstances, the NPPF is clear: planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the NPPF taken as a whole.

Considering the duty under Section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB, it is considered that due to the



topography of the area and element of screening provided by existing features close to the site, the impact would be more localised and would not – subject to fine details which I return to below - have wider landscape implications for the AONB, including effect on its setting. I also concur that a scheme of this scale, in this location could be regarded as falling below the threshold for major development in the NPPF.

The prospect of up to 35 units at this site, including affordable housing together with custom and self build plots, that could all come forward quickly and within the five year period is a weighty consideration. In accordance with Paragraph 177 of the NPPF, the presumption in favour of sustainable development can be applied because the proposal would not adversely affect the integrity of either the Ashdown Forest SPA or SAC.

Highways

We spent some time discussing this and it was helpful to hear thoughts of Lawrence Stringer from GTA Civils.

Additional development in this part of Heathfield will likely be controversial, not least because of intensification of use of the junction to the Little London. The traffic impact assessment must consider the impact on the wider highway network e.g. junctions close by but also having regard to queuing traffic waiting to turn onto the A267 from A265. There is also likely to be an issue for right turn movements from west bound traffic on the A265.

It was confirmed that discussions are underway with ESCC transport development control who have asked for a PICADY assessment. We would be led by colleagues at County and I would urge that the access work be fully resolved here, including a Road Safety Audit for any scheme tabled. That will be expensive, but to my mind regarded as a perquisite of any assessment here.

I noted that one option was signalisation of the junction. If that is the requirement, it will likely be costly. If that affected overall viability of the scheme it would likely skew the planning balance here.

A Non-Motorised User Assessment will also need to accompany the application having regard to access to schools and other key day to day services. Though to be clear, I confirm this is regarded as a well located site.

Landscape and Ecology

As noted, the site is in the AONB though is visually well contained by the surrounding woodland and hedgerows. The Illman Young work undertaken shows the site is only visible from limited stretches of the public footpath adjacent to the site and the A265 (at the access point), and those views are filtered through vegetation.

There are some layout issues and replacement/betterment planting issues we spoke about.

Marklye Wood lies adjacent and is designated ancient woodland. The draft layout shows the 15m buffer to the ancient woodland is taken into account, and with that, it is possible to provide a development of 34 units whilst maintaining an appropriate density for this edge of settlement location.

The package should explain how the buffer is controlled and maintained for the life of the development.

In regard to ecology, you will need a phase 1 assessment including assessment of the adjacent tree belts for protected species. Should bats be present, care is required in regard to lighting.

Affordable Housing

35% affordable housing will be required.

Custom and Self Build Housing

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

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

As at 21 December 2020, there were 106 individuals on the Council's Self-Build and Custom Housebuilding Register. It is necessary to breakdown this figure having regard to the annual base period, which falls at the end of October each year after production of a legally compliant Register after 31st March 2016.

Two of these individuals were registered in the 31st March 2016 – 30th October 2016 base period, 24 of these were registered in the 31st October 2016 – 30th October 2017 base period, 24 of these were registered in the 31st October 2017 – 30th October 2018 base period, 21 applicants were registered in the 31st October 2018 – 30th October 2019 base period, 33 applicants were registered in the 31st October 2019 – 30th October 2020 base period and two applicants have been registered so far in the 31st October 2020 – 30th October 2021. No associations are currently enrolled on the self build and custom housebuilding register.

As you will be aware, the NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that are suitable for housing. So whilst there is no development plan policy in play, there is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement.

For this site, I would expect 5% of the number of dwellings would be secured to, in part, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016.

Surface Water Drainage

The Council supports the use of SUDS based on natural features as opposed to tanked systems/cellular storage. For a site like this, it does not appear that swales could be incorporated. If such a feature is possible, these should be used to convey surface water as opposed to piped systems wherever possible.

The Council does not support the use of permeable paving along access roads as in the past ESCC Highways have not adopted these roads. This results in higher service charges for future

occupants and if the appropriate maintenance is not regularly carried out the paving can become silted and therefore impact on the effectiveness of the drainage solution and flooding risks.

The Council's preference is for the use of natural drainage systems (eg attenuation ponds) as the maintenance of these can be part of the landscape strategy in addition to the amenity and biodiversity benefits.

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

Surface water to the ordinary watercourse should be limited to existing greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence and an allowance for urban creep. The LLFA will require evidence of this (in the form hydraulic calculations) and should take into account the connectivity of the different surface water drainage features.

The drainage strategy should address the outfall of the proposed attenuation pond and how it connects to an ordinary watercourse. The LLFA will require that the condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made and that any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

I mentioned the Tilsmore site nearby and surface water issues that had arisen, mainly as there was not watercourse in which to discharge. The team advising confirmed this required further investigation. I must stress that the LLFA will require these details and it will likely affect timely assessment of the proposals. Your client heard this during the meeting and I can only urge them to begin analysis as soon as possible.

Heritage

There are no designations affecting the site (above or below ground) and no listed building at or near the site.

Occasionally the County Archaeologist has asked for a programme of archaeological works through conditions. They have a tendency to recommend an archaeological evaluation of sites are carried out prior to determination of applications. As there is no notification area close or at the site, this may not arise. I recommend you speak to the County Archaeologist to check their requirements and avoid delays in the determination of the application in the event of an archaeological objection.

Design and Layout

We debated whether this would be an outline or full application. Sites of this scale, while constrained and likely to be sensitive, could be lodged as full submissions. It will assist the Council with supply and delivery rates, but fully prepared submissions also reduce doubt through parts of supporting submissions that are left to conditions. That causes doubt, as you know, and can cause delays to determination. For your client, it will cost more though that there is a benefit in terms of greater certainty.

A number of design points were highlighted as these will impact on the quantum of development that can be accommodated on the site, which may lower that the numbers currently proposed.

If the scheme is outline, the application description should be for “up to” the number of units proposed to enable flexibility when the detail design is submitted at reserved matters stage.

- Shared surfaces should not be less than 4.8m wide to enable rigid vehicle and car to pass.
- It is important to ensure there is sufficient car parking throughout the site with visitor parking evenly distributed. Visitor parking should be provided on the basis of 1 space for every three dwellings. It appears as though you have 2 spaces on the illustrative layout and this will clearly impact on quantum of development that can be accommodated. Parking is one of the biggest issues across new developments. ESCC Parking Calculator helps calculate the parking provision required, which is available on the County Council’s web site as are their recently updated parking standards. Whilst these have not been formally adopted by WDC, they will provide a guide. Parking spaces should be 2.5m wide by 5m long except when in front of a garage when the length increases to 6m. Where the parking space is adjacent to a wall or boundary ESCC request that an additional allowance of 0.5m is allowed for each side that is adjacent to the boundary. Garages, where provided, should have minimum internal widths of 3 metres - at the narrowest point. 6m long or 7m long if the garage is also used for cycle parking. Garages will only equate to 1/3 parking space therefore there should be greater emphasis on more car ports/off street parking spaces.
- Ensure all parking bays have minimum of 6m reversing distances.
- We spoke about the rear courtyard parking behind plot 6. These are tricky to deliver. Our experience is they tend not to be used, as residents park to the front of the properties, resulting in obstruction of the estate roads. The quality of these spaces and issues of security with lack of natural surveillance is also an issue. The FOG at plot 6 was described as providing some visual interest in that corner of the site, and it was noted that the parking court serves 3 units. I accept that a well detailed space (materials to boundary treatments, soft planting) and position of access and windows can be key. It was agreed some further visuals would be worked up to explore this part of the site further.
- Plot 1-3 were described as being a feature at the entrance to the site, whereas the indicative layout suggests this is not as worked up as intended. Care is required over that detail - too bulky and assertive will create wrong impression. Whereas I do agree that the entrance to the site should be marked in layout terms.
- If visitor parking is provided adjacent to open spaces - Highways normally require pavement on passenger side of parking space where it abuts open space – this can however overly urbanise the scheme and therefore it would be better to provide wider parking spaces to avoid passengers getting out on landscaped areas.
- Parking courts need to ensure that cars can manoeuvre in and out easily without overrunning landscaping/kerbs etc
- All roads should be able to accommodate refuse vehicles 11.997m long and weighing 26 tonnes when fully loaded. It should also be noted that maximum walking distances are 30m and reversing distance are 25m. Full details can be found in the Good Practice Guide for Property Developers: Refuse and Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas. Whilst for outline it is not expected that roads are tracked this will be required for Reserved Matters application and therefore again can affect the quantum of development.
- Where flats or back to back units are proposed appropriate provision should be made for communal amenity space in accordance with the standards set out in the Wealden Design Guide. Balconies can contribute towards provision of amenity space, although clearly privacy issues need to be considered for adjacent plots. If flats are for affordable units, then the Housing Service tends to request external drying areas. If the flat blocks are three storeys then these should be set back further from the road to avoid being overbearing relative to the adjacent two storey housing.
- Garden should meet the minimum standards set out in the adopted Wealden Design Guide with minimum space of 100sqm for three bed units and above.

- Plots sizes should ensure sufficient space for focal buildings/dual aspect buildings (ie projecting gables and windows on return elevation giving visual interest etc).
- Greater use of projecting gables/bays/extended canopies which are traditional in the Wealden vernacular should be included in terraces to provide visual interest and distinctiveness within the streetscape. Again whilst primarily a reserved matters issue it can help demonstrate that the quantum of development can be accommodated should have regard to this.
- Strong structural landscaping is required along the main access road into the site (which should be in public areas to ensure their long term retention) connecting to the main open spaces to help define road hierarchy and provide ecological connectivity. We spoke about the treatment of the PRow abutting the site. I agree the units in this part of the site should address rather than 'turn their back' on this route. The Illman Young work is well detailed and robust, but it highlights the site is glimpsed from the footpath. To my mind the landscape strip should be widened so that tree planting can be kept here. I do not mean hiding the scheme, but softening.
- Space standards: the Council would expect the units to meet the nationally prescribed space standards. If they are below, then a robust explanation will be required. COVID19 related impacts have seen residents use dwellings differently, and this includes office space. You will see from our debates at committee that elected Members are interested on this point, ensuring that development add to our communities and ensure that quality developments are delivered. We will be asked about space issues.

A legal agreement would be required to secure the affordable housing, custom and self-build sites, offsite contributions to youth and adult play space (which will be calculated in accordance with the formula set out in the Council's draft SPG on Outdoor Playing Space).

The Council's scheme of delegation does not cover development of this size outside of the development boundary, therefore the application would need to go to Planning Committee.

One thing occurs to me after the meeting and relates to sustainable construction. This includes potential electric charging points and also high speed broadband connections. The Members of the committee will press on these points. It will be helpful if the submission can include these issues. Those cases that do not have them are inevitably being deferred or in some cases, rejected.

I mentioned delivery of sites at our meeting. In terms of the overall housing land supply position in the district, the total number of dwellings with extant planning permissions only equates to just over five years' worth of the housing need for the district under the 'standard method'. The Council will need to steadily increase the supply of new homes with planning permission over the coming years and to identify sites in a new Local Plan that can be developed for new homes. It is noted that around 61% of dwellings in supply either have detailed planning permission or are small sites (9 dwellings or less) that have either commenced and/or are very likely to deliver homes in the short term.

One of the main issues facing the Council is translating these planning permissions into development on the ground. The Delivery Test for 2019/20 shows we have failed, despite significant work all year through committees and delivery over 1000 dwellings 'on the ground'. We have published a Housing Action Plan which focuses on the intervention options open to the Council, recognising that a wide range of partners will need to be involved in helping to achieve the objectives. This will involve working with landowners, developers, registered providers and development bodies, as well as infrastructure providers, to ensure that more new housing is delivered within Wealden District.

For this site, it strikes me that para 76 of the NPPF would appear relevant. As you know, this sets out that local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development. The clear proviso is that this must not threaten its

deliverability or viability. Can you give this some thought and discuss with your client. A well detailed full application with all supporting evidence and commitment to start in less than three years would be a powerful and weighty consideration.

In regard to the legal agreement we touched upon drafting that document now, at pre-application stage. It is a matter for your client. Though 'completed' agreements will assist with deliverability issues I have mentioned. All we would ask is that fees for drafting are covered. That is the case whenever lawyers are instructed, so is immaterial really.

Finally, there is an issue to do with further pre application liaison. We spoke about this. The Parish Council at Heathfield are very active and I would urge making contact with them as soon as possible.

I hope this advice is helpful and it assist in you advising your client further. Thank you once again for engaging with us at pre-application stage.

Am obligated to point out that it is an informal opinion on the proposals, based on the information available, and are offered without prejudice to the consideration and formal determination of any future application which may be submitted to the Council.

Yours sincerely

Stacey Robins
Head of Planning & Environmental Services

