

RR/2011/2205/P

**BURWASH Strand Meadow, Land to the south west**

**Outline: Proposed residential development with access from Strand Meadow**

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**Applicant:** Mr Kirkham  
**Agent:** Town and Country Planning Solutions.  
**Case Officer:** Mr A S Rowland (Tel: 01424 787612)  
(Email: andy.rowland@rother.gov.uk)  
**Parish:** BURWASH  
**Ward Member:** Councillor D W L M Vereker and Councillor R White  
**Reason for Committee consideration:** Head of Planning referral - Major application with significant local interest expected.  
**Statutory 13 week date:** 19 January 2012

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This application has been added to the Committee site inspection list.

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## **1.0 POLICIES**

- 1.1 The Rother Local Plan Policy of direct relevance to this application is policy VL1:

*'Land south west of Strand Meadow, Burwash, as shown on the Proposals Map, is allocated for housing and recreational purposes. Proposals will be permitted where:-*

- 1. no more than 17 dwellings are provided, of which 40% are affordable;*
- 2. an appropriate planting scheme is carried out at the time of the development to landscape the land between the new housing and dwellings in Rother View;*
- 3. a footpath is provided to link the new development to the existing recreation ground and Ham Lane;*
- 4. land set aside for recreational purposes is appropriately laid out and provision made for its subsequent management and public access;*
- 5. both residential and amenity/community uses are progressed in tandem;*
- 6. developer contributions are made to provide for highway improvements in Strand Meadow to improve access conditions.'*

- 1.2 Additionally policy GD1 is applicable to all development proposals and policies DS1(vi), DS2(iv) HG1, HG3, HG4 and TR3 are also relevant to a greater or lesser degree. Members will be aware of the duty to ensure that the character and appearance of the High Weald AONB is not harmed and the emerging draft National Planning Policy Framework with its presumption in favour of sustainable economic development.

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## **2.0 SITE**

- 2.1 This application relates to a site of 0.68 hectares situated within the development boundary of Burwash village which is accessed off the southern end of Strand Meadow. The land has a significant gradient falling from south-east to north-west and is allocated within the Rother local plan for housing purposes. It is relatively hidden from the wider landscape, nestling on the side of a narrow valley that runs in a northerly direction from the main ridge upon which the village stands. The land slopes down to a ghyll on its north-west boundary,
- 2.2 The High Weald AONB designation washes over the whole village including the application site.

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## **3.0 HISTORY (Relevant)**

- 3.1 RR/85/1339                      Outline application for residential development of 2 acres of land. Refused – Appeal Dismissed.
- 3.2 RR/2011/2206/P                Use of land for informal recreation and creation of footpath link – Not yet determined.

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## **4.0 PROPOSAL**

- 4.1 Outline planning permission is sought to extend Strand Meadow to serve a new residential development of 17 dwellings arranged along one side of the new road and partially round the turning head. The matters of appearance, landscaping, layout and scale are all reserved for subsequent submission whilst the details of access are provided for consideration as part of this application.
- 4.2 The application is accompanied by an illustrative layout plan and house type drawings to demonstrate the form scale and appearance that might be accommodated on the site, utilising split levels to respond to the site gradient issue. It is confirmed that 40% of the development would be affordable units for rent/shared equity.
- 4.3 Also submitted with this application are:
- a) Ecological Assessment.
  - b) Arboricultural Assessment.
  - c) Archaeological Assessment.
  - d) Transport Planning Statement.
- These have been forwarded to the appropriate consultees.

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## 5.0 CONSULTATIONS

- 5.1 Parish Council: *“We understand that this is a renewal of the application, if there are no alterations we have no objections. It is essential that all tree orders are preserved. We recall a need for access to the site to widen the road and lower the services, please could this be taken into account.”*
- 5.2 Highway Authority: Comments awaited.
- 5.3 Highway Authority (Footpaths): No objection contingent upon access to public footpath being maintained at all times.
- 5.4 Southern Water: Comments awaited.
- 5.5 Environment Agency: Comments awaited.
- 5.6 County Archaeologist: Concur with the Archaeological Assessment recommendations. It is recommended that an archaeological condition be imposed upon any planning permission that may be granted.
- 5.7 County Ecologist: Comments awaited.
- 5.8 Natural England: Comments awaited.
- 5.9 Housing Officer: *‘The Housing Service supports this outline application. The application provides 40% affordable housing together with a commuted sum for the fractional unit (the amount to be agreed). Before progressing with a full application it is recommended that the applicant engages a preferred Registered Provider to secure the delivery of the affordable housing. We shall require the S106 agreement to grant the Council 100% nomination rights on first lets and 75% of re-lets.’*
- 5.10 Sussex Police: No real concerns identified. At the reserved matters stage the Design and Access Statement should show how crime prevention measures have been taken into account.
- 5.11 Planning Notice: 13 Letters of objection giving the following grounds (summary):
- 1) Village sprawl harmful to the AONB
  - 2) Precedent for the development of other fields nearby.
  - 3) Adequate housing already.
  - 4) Site is a haven for wildlife.
  - 5) Protected trees must be retained – can they be?
  - 6) Affordable housing should be directed to infill sites on principle roads.
  - 7) Strand Meadow is already congested with parked cars and narrow access making access by emergency vehicles difficult.
  - 8) Adverse effect on quality of life of local residents by reason of traffic, noise and pollution.

- 9) Extra traffic will endanger local children who play by the roadside.
  - 10) Large construction vehicles may damage parked cars in very narrow access road.
  - 11) The site boundary is incorrect.
  - 12) The public sewer crossing the site is inadequate and has overflowed at least twice.
  - 13) Strand Meadow has already been repaired as a result of subsidence; this shows signs of failure and will be made worse by additional use especially by heavy construction vehicles.
  - 14) Village has poor infrastructure and no work available.
  - 15) Very visible from public footpath and thus harmful to AONB.
  - 16) The site is very wet with springs and is therefore vulnerable to landslip.
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## **6.0 APPRAISAL**

6.1 The application site is identified for development within the Rother District Local Plan (see policy VL1 at para 1.1 above) and thus, in principle the proposed development with 17 dwellings served by an extension of Strand Meadow has been accepted through the local plan inquiry. The Inspector considered the issues of access and parking, landscape impact, drainage, effect on living conditions, nature conservation and affordable housing: broadly speaking the issues now raised by objectors. Nevertheless, the present outline application needs be considered now in the context of these issues having regard to current advice and specifically in relation to the need to be satisfied that the proposal would not be harmful to the High Weald AONB.

### **6.2 Access and Parking:**

6.2.1 Whilst this is an application for outline planning permission Access is submitted at this stage rather than reserved for later submission. The application indicates the continuation of Strand Meadow as required by policy VL1 and it is clear that whilst details of car parking would be provided at the reserved matters stage provision can be made to meet the required standard. The characteristics of Strand Meadow are of concern to residents in that it is rather narrow and is subject to roadside parking. The formal consultation response from the Highway Authority is awaited; this is important not only because of the estate road aspect but also the policy requirement for a financial contribution for highway improvements to Strand Meadow. At the time of the Local Plan Inquiry the Highway Authority were confident that carriageway widening, the introduction of speed reduction features and provision of parking bays were necessary and achievable in view of the extent of highway land available.

### **6.3 Landscape Impact:**

6.3.1 The High Weald AONB designation washes over the village and therefore it is the Council's responsibility to ensure that the character and appearance of the AONB is not harmed. The site lies on the east side of a narrow valley with

existing development to the north-east; there is a public footpath to the west running parallel but the tree belt following the north-west site boundary affords some screening to that area the subject of the planning application. The Local Plan Inspector considered the site to be a small inconspicuous extension of the existing cul-de-sac where development would have limited landscape impact in the AONB.

6.3.2 It is considered that there is no reason to differ from the Inspector's appraisal at this outline stage. Whilst details of two dwelling types accompany the outline submission it is not possible to definitively assess the potential landscape effect without levels and sections. This would be for later consideration at the reserved matters stage. It is however accepted that a development of 17 dwellings could be designed, broadly in the manner suggested, in combination with suitable landscaping, without causing harm to the character and appearance of the AONB.

6.3.3 Landscaping of the development itself is a reserved matter.

#### 6.4 Drainage:

6.4.1 Several residents have drawn attention to drainage matters saying that the existing sewer is at capacity and has failed in the past. The Parish Council make reference to services needing to be lowered; it is unclear at present whether this is a reference to the sewer depth. This is a technical issue upon which the views of Southern Water and the Environment Agency are awaited. There is currently no reason to believe that the site suffers from insurmountable drainage problems. It would be normal for this matter to be the subject of a drainage condition.

#### 6.5 Residential Amenity:

6.5.1 Clearly at this outline stage it is not possible to consider in detail the potential impacts of the dwellings themselves upon the amenities of existing properties although given the orientation and separation distances it is unlikely that there would be insurmountable issues of overlooking, overshadowing etc. Any effects on outlook are likely to be insignificant and in any event effects upon private views are not a legitimate planning consideration. Some residents have concerns that the roads (Strand Meadow and Shrub Lane) are narrow and thus they may be adversely affected by noise from construction, damage to parked cars and/or limitations to their ability to park outside of their property. In these respects the transient inconvenience of construction traffic/activity is not reason to withhold planning permission. As to the narrow width of Strand Meadow, as previously stated, the observations of the highway authority are awaited with particular interest in relation to contributions for highway improvement.

#### 6.6 Nature Conservation:

6.6.1 The application is accompanied by an Ecological Assessment; Natural England has been consulted. The site and the development proposed would

not impact upon any statutory site of nature conservation interest. An area Tree Preservation Order covers the site and an Arboricultural report has been provided. The Tree Officer has been consulted.

6.6.2 Whilst the observations of Natural England and the Tree Officer are currently awaited it appears from the assessments that subject to implementation of appropriate recommended mitigation measures and imposition of suitable conditions the proposed development could be accepted without unacceptable harm to protected species and preserved trees.

6.7 Affordable Housing:

6.7.1 The application proposes the required 40% affordable housing (6 units plus commuted sum for fraction of unit) and the Head of Housing supports the proposal. A Section 106 Agreement will be necessary to secure the provision together with nomination rights.

6.8 Policy:

6.8.1 The proposal, together with the planning application to be considered under reference RR/2011/2206/P, has been prepared to be in compliance with Local Plan policy VL1. Subject to the satisfactory completion of a Section 106 Obligation, to secure the appropriate provisions specified within the policy, the policy requirements can be said to be complied with.

6.8.2 Specifically the proposal has been considered in terms of its effects upon the AONB. In view of the limitation of the allocated site at the lower part of the land and the boundary screening on the western side it is concluded that material harm would not result.

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## 7.0 SUMMARY

7.1 The site is identified within the Rother District Local plan for residential development with 17 dwellings.

7.2 The proposal satisfies the policy requirement for 40% affordable housing.

7.3 Subject to final consultation responses it has been satisfactorily demonstrated that the development can be achieved, subject to mitigation measures, without unacceptable effects upon important flora and fauna.

7.4 The development proposed, subject to later consideration of reserved matters would not be harmful to the character and appearance of the High Weald AONB.

7.5 A Section 106 Agreement is required in order to secure the delivery of the affordable housing, the provision of the recreational use of adjacent land, its future maintenance and the delivery of the footpath (RR/2011/2206/P) and the necessary ecological and arboricultural mitigation measures.

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**RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATE (SECTION 106 OBLIGATION – AFFORDABLE HOUSING, TO SECURE: LANDSCAPING OF ADJACENT LAND, PROVISION OF FOOTPATH, LAYOUT OF RECREATIONAL LAND AND ITS MAINTENANCE, CONTRIBUTIONS TO HIGHWAY IMPROVEMENTS AND THE IMPLEMENTATION OF ECOLOGICAL AND ARBORICULTURAL MITIGATION MEASURES)**

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**CONDITIONS**

1. Before any part of the development hereby approved is commenced approval of the details of the appearance, layout, scale and landscaping of the site, (hereinafter called "the reserved matters"), shall be obtained from the local planning authority in writing.
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the local planning authority and shall be carried out as approved.  
Reason: In accordance with the requirements of Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. The residential development hereby permitted shall be for the erection of not exceeding 17 dwellings.  
Reason: In accordance with Rother District Local plan policy VL1(i).
6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has first been submitted to and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.  
Reason: The development is likely to disturb features of archaeological interest, which need to be examined and recorded in accordance with Policy GD1(viii) of the Rother District Local Plan.

7. Highway conditions as may be recommended by the East Sussex County Council as Highway Authority.
8. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.  
Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policy GD1(x) of the Rother District Local Plan.
9. No surface water shall be discharged to the public foul sewer.  
Reason: To ensure the satisfactory drainage of the site and area in accordance with Policy GD1(x) of the Rother District Local Plan.
10. Before occupation of the dwellings hereby permitted commences, details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted to and approved in writing by the local planning authority and the approved details shall be implemented and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.  
Reason: In the interests of providing a sustainable development in accordance with Policy GD1(ii) and (iv) of the Rother District Local Plan and PPS1, paragraph 20.
11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy GD1(iv) and (v) of the Rother District Local Plan.
12. Before any construction work is commenced, a schedule of floor levels for each house/garage, together with gradients to each drive, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure the satisfactory development of the site in accordance with Policy GD1(iv) and (v) of the Rother District Local Plan.
13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.  
Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy GD1(iv) and (v) of the Rother District Local Plan.

**REASONS FOR GRANTING PERMISSION:** The proposed development is considered to be of an appropriate scale with an acceptable means of access that relates acceptably with neighbouring properties. It is considered that subject to the completion of a Section 106 Obligation relating to affordable housing provision and of site ecological, arboricultural, footway and recreation provision and the imposition of conditions the proposal would comply with policy VL1 of the Rother District Local plan. The development is considered not to be harmful to the character and appearance of the High Weald Area of Outstanding Natural Beauty. The development therefore complies with Policies GD1(v) and TR3 of the Rother District Local Plan.

[View application/correspondence](#)