

RR/2017/582/P

BURWASH Strand Meadow – land to the south west of

Outline: Proposed residential development with access from Strand Meadow.

Applicant: Park Lane Homes (South East) Ltd
Agent: Mr M. Pickup, Town & Country Planning Solutions
Case Officer: Mrs S. Shepherd (Tel: 01424 787607)
 (Email: sarah.shepherd@rother.gov.uk)

Parish: BURWASH

Ward Members: Councillor J. Barnes and Mrs E.M. Kirby-Green

Reason for Committee consideration: Service Manager – Strategy and Planning referral: Major housing site with local interest

Statutory 13 week date: 12 June 2017

Extension of time agreed to: 28 July 2017

This application is included in the Committee site inspection list.

1.0 POLICIES

1.1 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:

- VL1 – Land off Strand Meadow, which states:

“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:

- (i) no more than 17 dwellings are provided, of which 40% are affordable;*
- (ii) 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;*
- (iii) a footpath is provided to link the new development to the existing recreation ground and Ham Lane;*
- (iv) land set aside for recreational purposes is appropriately laid out and provision made for its subsequent management and public access;*
- (v) both residential and amenity/community uses are progressed in tandem;*
- (vi) developer contributions are made to provide for highway improvements in Strand Meadow to improve access conditions.’*

1.2 Saved Policy DS3 of the Rother District Local Plan (2006) is also part of the current 'development plan'; it is relevant insofar as the majority of the site lies within the defined development boundary. The only area that is

excluded is that part of the site comprising proposed use for recreational purposes including allotments.

1.3 The following policies of the Rother District Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS1 – overall spatial development strategy (additional dwellings required)
- OSS2 – use of development boundaries
- OSS3 – location of development
- OSS4 – general development considerations
- RA1 – villages
- SRM2 – water supply and wastewater management
- CO1 – community facilities and services
- CO3 – improving sports and recreation provision
- LHN1 – achieving mixed and balanced communities
- LHN2 – affordable housing
- EN1 – landscape stewardship
- EN3 – design quality
- EN5 – biodiversity and green space
- EN7 – flood risk and development
- TR2 – integrated transport
- TR3 – access and new development
- TR4 – car parking

1.3 Where development is proposed 'within' a development boundary, there is a presumption in favour of development, subject to compliance with other policies.

1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following parts of the National Planning Policy Framework are particularly relevant to the development proposal:

- Paragraphs 7-14, 17 – core planning principles for sustainable development.
- Paragraphs 17, 32, 35, and 58 – transport and parking.
- Paragraph 47 – delivering a wide choice of high quality homes via 'deliverable and developable' sites.
- Paragraph 49 – five-year supply of deliverable housing sites.
- Paragraph 115 – protection of the High Weald Area of Outstanding Natural Beauty (AONB).
- Paragraph 118 – conservation and enhancement of biodiversity.

2.0 SITE

2.1 The site, as is the whole village of Burwash and much of the district, is situated within the High Weald AONB. With the exception of the majority of the amenity/recreation area, the site lies within the development boundary for Burwash village with an existing field access off the southern end of Strand Meadow.

2.2 The land which has a significant gradient falling from south-east to north-west is allocated within the Rother Local Plan for housing, landscaping and

amenity 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. There are a number of trees to the northwest boundary with the ghyll, around the field edges (three small fields make up the site) and within the area to be improved landscaping. The trees having a trunk diameter exceeding 75mm at a height of 1.5m above ground level are protected by area order Tree Preservation Order (TPO) 267.

3.0 HISTORY (relevant)

- 3.1 RR/2011/2205/P Outline: proposed residential development with access from Strand Meadow. Committee resolution to approve SUBJECT TO completion of a s106 Agreement and conditions. This is about to be signed and the decision issued.
- 3.2 RR/2011/2206/P Use of land for informal recreation and creation of footpath link. Committee resolution to approve SUBJECT TO completion of a s106 Agreement and conditions. This is about to be signed and the decision issued.
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4.0 PROPOSAL

- 4.1 The previous submissions for this site (see section 3.0 above) sought to separate the elements of Policy VL1 (see section 1.1 above). This application is again in outline but encompasses all elements within the one planning application.
- 4.2 The site covers some 1.8ha in total, comprising 0.83ha for residential development, 0.78ha to be enhanced landscape and 0.24ha for amenity and recreational use. The area for development with housing has been extended southwards along the northwest boundary by a further 39m. Access remains off the southern end of Strand Meadow. Details of appearance, design, landscaping, layout and scale are all reserved for subsequent submission with access only to be determined at this stage.
- 4.3 An illustrative sketch scheme is provided and has been amended. It indicates the provision of a mixed development of 30 units, (flats, terraced and semi-detached houses), arranged along one side of the new road with some parking and landscaping on the other side to the ghyll. A turning head would be provided along with a new footpath link to the recreation ground/amenity land. The higher slopes of the site to the south east are again retained for improved landscaping. 40% affordable housing is to be provided for rent/shared equity operated by a registered provider.
- 4.4 Updated reports are again submitted and include: an outline drainage scheme; Ecological Assessment Report; Arboricultural Assessment; Flood Risk Assessment; Transport Report; Design & Access Statement and Archaeological Assessment.
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5.0 CONSULTATIONS

5.1 Burwash Parish Council:

- 5.1.1 Objects to the application for the following reasons (summarised):
- Would be contrary to the findings of the Strategic Housing Land Availability Assessment (SHLAA).
 - Is contrary to Policy VL1 which states that no more than 17 dwellings are to be provided.
 - Owners of the recreation ground have not been consulted on the footpath proposal.
 - Previously Highways only permitted 17 dwellings.
 - Part of the site extends outside the development boundary.
 - Intensification poses an unsuitable impact and effect on the AONB.
 - The existing sewage system cannot cope.
 - Access via Strand Meadow is unsuitable being very congested with the safety of residents and children a concern.
 - Loss of a footpath and increased traffic will exacerbate existing problems in Strand Meadow.
 - Will also have traffic impacts on the wider road network and the village which have been raised with the Highway Authority.
 - Lack of public transport and high car reliance will add to existing problems in the village.
 - AONB should be protected – sites for new housing should be smaller, six units.
 - Early feedback in respect of a proposed Neighbourhood Plan indicates that residents want smaller sites to be used for housing.
 - Lack of information regarding affordable housing in the application, particularly relative to the needs of Burwash and local families.
 - Added strain on local services including the school and doctors.
 - Lack of consideration for the historic nature of Burwash, local biodiversity and landscape impacts.
 - Large and unnecessary housing developments to meet national and regional targets would not meet the Parish's genuine housing needs and will place significant future strain on the village's infrastructure and lives of its residents.

5.2 Highway Authority:

- 5.2.1 The full response attached as an Appendix. The issues are summarised as follows. There is no objection in principle subject to the imposition of conditions and completion of legal agreements.

Access

- 5.2.2 The access road into the site would form a continuation of Strand Meadow as indicated on the submitted plan. A raised table would be provided upon entry to the site. An uncontrolled pedestrian crossing would also be provided by way of a dropped kerb and tactile paving to maintain a link between the public footpaths crossing the end of Strand Meadow. Additionally, a footpath link would be provided south of the site which would connect to the playing field and Ham Lane.

- 5.2.3 As part of the access arrangement the existing turning head on Strand Meadow will be retained and formalised and would be separated from the

main through route by carriageway markings, thus allowing for turning by cars and service vehicles not associated with the development site and tracking drawings have been provided to show that this can be accommodated. Along the northern side of Strand Meadow the existing footway would be removed for a section of approximately 50m, allowing the carriageway to be widened to provide an additional area of on-street parking. A pedestrian crossing with dropped kerbs and tactile paving will be provided where the footpath ends to the north of the new parking area. In order to retain a 4.8m carriageway width along this section of road, the carriageway will be widened slightly to the south. The footway along the southern side of Strand Meadow would therefore be narrowed to a width of approximately 2.7m which is considered to be appropriate.

- 5.2.4 It is considered that these measures will allow for additional on street parking and subsequently help alleviate some of the congestion problems that occur along Strand Meadow. In particular, the widening of the carriageway will allow refuse vehicles and emergency vehicles to travel along this section of Strand Meadow without any obstructions.

Trip Generation and Highway Impact

- 5.2.5 The level of traffic likely to be generated by the development has previously established through the undertaking of a traffic survey of the existing residential dwellings accessible from Strand Meadow. The data submitted has been verified and agreed, and consideration includes the details from the application in 2011 for 17 dwellings, supported by Highway Authority and takes into account the potential impact of the residential development off Shrub Lane recently submitted (RR/2017/456). Taking into account the level of traffic likely to be generated by the development and the relatively modest traffic flows on Shrub Lane it is considered that the junction of Strand Meadow with Shrub Lane will continue to function without risk of congestion.

- 5.2.6 With regards to the impact further afield it is noted that there are potentially two stress points identified on Shrub Lane and these were investigated in detail as part of the pre application consultation for the nearby residential development proposal (RR/2017/456). The first point is adjacent to the Strand Meadow junction where the bus makes a turn and potentially causes obstruction to the free flow of traffic; and second point is at the junction with A265 where on-street car parking may cause delay and congestion for vehicles passing at this point.

- 5.2.7 Following survey work and assessment of the usage at these junctions it is noted that a highway scheme for parking restrictions (double-yellow lines) around Burwash has been drawn up to include the junction Shrub Lane with A265 'No Waiting at Any Time' to protect the junction from congestion; and a section along Shrub Lane with Strand Meadow to protect the junction for purposes of turning a bus. These parking restrictions would assist the free flow of traffic and manoeuvre requirements and be beneficial to the local area. This scheme was approved at East Sussex County Council's (ESCC) Planning Committee on 21 September 2016.

Internal Layout

- 5.2.8 No objection in principle. Whether adopted or not the road should be laid out and constructed to standards at, or at least close to adoptable standards. The tracking drawings submitted indicate that the site layout can

accommodate the largest refuse vehicles and emergency vehicles likely to serve the development. Road adoption would be secured through a section 38 Agreement. The extent of the highway adoption would have to be agreed, and would depend on the emerging layout at reserved matters stage. A full safety audit on the internal road layout should also be completed along with agreed lighting and highway drainage proposals. This element of the proposal can be considered at Reserved Matters stage.

Parking

- 5.2.9 The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site specific basis. The calculator predicts levels of car ownership using information relating to the site location (ward), unit type, size and the number of allocated spaces. Although the number and mix of houses has not been finalised the car parking requirement for the mix of units indicated is calculated to be 59 spaces, or 56 if parking for flats is unallocated. It should be noted that parking spaces would need to meet the required minimum dimensions to be counted towards the overall provision.

Cycle Parking

- 5.2.10 Safe, secure and covered cycle parking facilities need to be provided at new developments, one space should be provided per unit for one & two bedroom dwellings and two spaces per dwelling with three bedrooms or more.

Accessibility

- 5.2.11 The site is considered to be reasonably located from an accessibility perspective with various services and facilities in relatively close proximity to the proposal. Public transport also provides a usable alternative to travel via private car. A public footpath also runs along the site's north-eastern boundary, providing a direct link south-east to Shrub Lane and continuing north-west of the site. Additionally, a footpath link would be provided south of the site to the playing field and Ham Lane. Further details regarding this footpath are required. With these comments in mind the proposal could not be refused on accessibility grounds.

Construction Traffic Management Plan

- 5.2.12 Site management is requested via condition and would include a construction traffic routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.

- 5.2.13 In conclusion, the off-site works that should be secured as part of this development via a section 106/278 Agreement are:

- Off-site works.
- The provision of a new access road into the site forming a continuation of Strand Meadow.
- The existing turning head on Strand Meadow retained and formalised and separated from the main through route by carriageway markings.
- Removal of approximately 50m of the existing footway along the northern side of Strand Meadow allowing the carriageway to be widened to provide an additional area of on-street parking.

- A pedestrian crossing with dropped kerbs and tactile paving provided where the footpath ends to the north of the new parking area.
- Widening of the carriageway to retain a 4.8m width along this section of road by narrowing the footway on the south side of Strand Meadow to a width of approximately 2.7m.
- The offsite works and financial contribution will need to be secured by a section 106/278 Legal Agreement.
- The works will also need to be Stage 1 and 2 Road Safety Audit and any issues raised will require addressing in satisfactory manner.

5.3 County Archaeologist

- 5.3.1 *“The proposed development is of archaeological interest due to the scale of development on a green field site in close proximity to the medieval and post-medieval village of Burwash. There are no archaeological remains recorded within the site, however, it has only been subject to archaeological desk based assessment. This very comprehensive assessment, submitted with the application, has established that there is evidence of activity for most of prehistory and for the Roman period through to the Post Medieval period in the wider surrounding area of the site, but no evidence at present for the potential and significance for past activity within the site, which appears to have been farmland from at least the medieval period. I concur with the assessments recommendations, that there is a need for further archaeological work to mitigate damage to any remains that may exist and that this can be achieved through an appropriate planning condition.”*

5.4 Rights of Way Officer (ESCC)

- 5.4.1 Has concerns that a new path may connect to Ham Lane directly rather than the recreation ground. Further details would be part of any reserved matters application and the section 106. Also notes that the access road crosses adopted footpath FP16c. (This is considered in the Highway Authority comments).

5.5 Lead Local Flood Authority (ESCC)

- 5.5.1 *“Whilst the application documentation has not met all ESCC’s requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions.”* Particular issues requiring amendment include – retention of open channels for the watercourses on site (i.e. no culverting); inclusion of above ground systems to manage water runoff; future management and maintenance details for drainage systems. It is noted that there are high groundwater levels in the area and this renders the proposed use of cellular storage systems unsuitable with the possibility of increasing flood risks.

5.6 Southern Water

- 5.6.1 Advice that a public sewer passes through the site. The applicant is reminded that no development or tree planting is permitted within 3m either side of the centreline. It is also noted that no new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5m of a public sewer. Following revised plans it is noted that the public sewer is to be diverted in connection with the proposed surface water drainage scheme. There is no capacity to

accommodate foul drainage at the local wastewater treatment works in Burwash. It is noted that the application proposes an onsite treatment plant.

5.7 Environment Agency

5.7.1 Advice that the site is in flood zone 1 and has a low probability of flooding. However, surface water drainage may be an issue and this should be subject to discussion with the LLFA (at ESCC). A separate Ordinary Watercourse consent is also likely to be required for works affecting the watercourse (again ESCC).

5.8 Sussex Police

5.8.1 The level of crime and anti-social behaviour in Rother district is below average when compared with the rest of East Sussex. There are no major concerns with regard to the application submitted but the applicant is advised to update and include additional measures to mitigate against identified local crime trends when the details are considered. (Comments are summarised, with the full comments available to view on the website.)

5.9 High Weald AONB Unit

5.9.1 Commented on the initial submission noting that in summary it has no objection to the principle of residential development on this site with access from Strand Meadow since this complies with the allocation in Policy VL1 of the Local Plan. However, it does object to the intensification of this development from 17 to 32 units due to the unacceptable impact on the quality of the design of development and the adverse impact this has on the AONB. The illustrative layout as initially submitted shows parking spaces dominating the north-western side of the road with no buffer to absorb run-off or soften the visual impact. The remainder of the development feels cramped and the split-level dwellings indicated result in an urban form out of character in this rural edge site.

5.10 Community and Economy – Housing and Asset Development Officer

5.10.1 Comments are summarised as follows. Supports the scheme in principle subject to changes. The layout requires amendment to 'pepper-pot' the affordable housing in accordance with Policy LHN2. Required to provide 12 units of affordable housing on site, as proposed with an additional 0.8 unit requiring a monetary contribution in lieu of development on site. The mix of units and type of tenure are to be agreed. Current requirements comprise:

PROPERTY TYPE	AFFORDABLE RENTED	INTERMEDIATE HOUSING	TOTAL
1 Bedroom flat	4	0	4
2 Bedroom House	4	2	6
3 Bedroom House	0	2	2
4 Bedroom House	0	0	0
Total number of Affordable Rented units	8	4	12

5.10.2 Early engagement is recommended with a registered provider. No current identified need for wheelchair housing in this area. The market housing proposes a good mix of smaller 2/3 bed houses, supporting a greater range of housing options for local people including downsizers and first time buyers.

5.11 Ramblers (Sussex Area)

5.11.1 With specific regards to footpaths object to the vehicular access which crosses a public footpath and because there is a lack of clarity with regards the footpath connection to the recreation ground and the public footpath in Ham Lane. If minded to approve conditions should be imposed protecting the dark night sky and for traffic calming and signage where the access road crosses the public footpath.

5.12 Planning Notice

5.12.1 Fifty Five objections received on the following grounds:

- Poor access.
- Strand Meadow is unsuitable for construction traffic.
- It is heavily congested with parking (photographs submitted).
- The photographs by the applicant are old and out of date they do not reflect the current situation.
- Refuse vehicles can't get through and fire engines would have a problem too.
- Highway safety will be an issue.
- Shrub Lane also has parking and access issues which increased traffic will make worse.
- Increased noise and lighting will blight the landscape.
- Doctors and school already at capacity.
- Negative impacts to views.
- Three/four storey dwellings would be out of character.
- Don't need any more housing.
- Should be a smaller development.
- Should wait for the Neighbourhood Plan.
- Field is too steep and there are springs on the site, which could affect land stability.
- Loss of pavement unacceptable.
- Harms the AONB.
- Will devalue properties.
- Will harm wildlife and protected species.
- This with the other site (off Shrub Lane) proposes 77 new houses which could equate to 200 additional cars – more than is needed and adding to existing traffic problems in the village.
- Is the wrong location.
- Loss of privacy from overlooking to existing properties.
- Lack of local employment for new residents.
- There are only 19 people on the housing need list so why build all these and will any of them really be 'affordable' for local people.
- Loss of trees.
- The watercourse is seasonal and dries up in summer so should not be used for any drainage system.

- 5.12.2 One letter of qualified support has been received which considers that the site may be suitable but subject to an alternative access and parking arrangements being proposed and the updating of conditions to protect landscaping, wildlife, drainage etc.
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6.0 APPRAISAL

- 6.1 The application site is identified for development within the Rother District Local Plan 2006 (see Policy VL1 at paragraph 1.1 above) and thus, in principle the proposed development of the site, served by an extension of Strand Meadow, was accepted previously through the local plan inquiry. With the imminent completion of the section 106 Agreement and the belated issue of the decision notice on the 2011 application, the site will also have outline permission for development with 17 dwellings, landscaping, recreation and amenity land in accordance with the policy criteria. The Inspector at the local plan inquiry considered the issues of access and parking, landscape impact, drainage, effect on living conditions, nature conservation and affordable housing, which are broadly speaking the issues raised by objectors. This new outline application looks to increase the development area and again needs to be considered in the context of these issues, but also having regard to the increase in development and specifically in relation to the need for the local planning authority to be satisfied that the proposal would not be harmful to the High Weald AONB.

6.2 Increase in Development Area

- 6.2.1 The new area identified for development extends by approximately 39m to the south west end of the site but remains 'within' the development boundary as defined in the Local Plan 2006. Consideration of this extended development area is therefore, not contrary to Policy DS3 of the Local Plan nor is it contrary to Policy OSS2 of the Core Strategy 2014. Only the area identified for possible allotment land lies outside the development boundary and this remains in accordance with Policy VL1.
- 6.2.2 The application to extend the development area and increase the number of dwelling units, by the provision of flats and smaller units, is however contrary to part of Policy VL1. The increased area of development has arisen following settlement of payment for the ransom strip that formerly existed across the entrance to the site. The ransom payment has rendered the development of 17 units unviable especially when added to the other benefits to be derived from the development and the requirement to now pay CIL. The benefits include the provision of affordable housing (Policy LHN2) and the requirements of policy VL1, which include, a landscaped area to the upper slopes along the south-eastern half of the site; a footpath link to the recreation ground/Ham Lane; recreation area including allotments for community use; management of the landscaped/amenity areas; highway improvements to Strand Meadow. These additional benefits were, and still are, considered necessary to accompany any development and to reflect local needs.
- 6.2.3 The outline application submitted continues to provide these identified benefits and as well as providing the full quota of affordable housing is therefore in accordance with policy VL1, save for the increase in numbers of dwelling units. The increase in area and number of units then falls to be

considered in respect of other policies and having regard to the original matters considered by the Inspector at the Local Plan Inquiry.

6.3 Policy position

6.3.1 The Government requires that all local planning authorities should identify annually a supply of specific deliverable sites sufficient to provide a five year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Core Strategy states that the overall spatial development strategy includes a requirement to plan for at least 5,700 dwellings (net) in the district over the Plan period. Figure 8 sets out approximate development levels for different parts of the District, including a total of 1,670 dwellings in Villages.

6.3.2 Policy RA1 identifies the needs of villages with figure 12 indicating the distribution of rural housing allocations. The number allocated for Burwash is 52. This figure remains the same within the updated table in the DaSA Options and Preferred Options consultation document. No other details are set out within the DaSA for Burwash as it has designated a Neighbourhood Plan (NP) area. The NP is however at a very early stage and there has been no presubmission document for consultation, (Regulation 14). As such it carries very little weight.

6.3.3 This site at Strand Meadow for 17 dwellings as set out in policy VL1 of the Local Plan is currently the only commitment, but as set out above at paragraph 6.2.2, it is unlikely to come forward on the basis of this lesser number. Members will be aware that the Council cannot currently demonstrate a five year supply, as at April 2017 the Council only has a 3.1 year supply. The option to consider a slightly larger development area with an increase in the number of units on a site within the existing defined development boundary is therefore, to be carefully considered, subject to other policy issues, as a positive move towards providing a deliverable housing site.

6.4 Access and Parking

6.4.1 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. An amended illustrative layout has been provided following comments made by planning and highway officers.

6.4.2 The characteristics of Strand Meadow are of concern to residents in that it is rather narrow and is subject to roadside parking. Additional highway plans are provided which indicate a scheme to alter footpaths and provide specific roadside parking etc., which have been drawn up in consultation with the Highway Authority. The highway works reflect the matters considered at the Local Plan Inquiry and would need to be included in planning and highway legal agreements.

6.4.3 Objections are also made with regard to possible impacts of traffic on other areas of the village including Shrub Lane. It will be noted at paragraphs

5.2.7, that this is an on-going situation and matters are already in hand to address those concerns with the implementation of new parking restrictions in the village.

6.4.4 While the number of units has increased from 17 to 30 in total, the highway and parking matters are considered to have been addressed.

6.5 Landscape Impact

6.5.1 The High Weald AONB designation washes over the village and therefore any development in or around the village will be located within the AONB. Paragraph 115 of the National Planning Policy Framework attaches 'great weight' to the preservation of the landscape character and scenic beauty of the AONB. 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.

6.5.2 Even with the relatively small extension of the site south-westwards (and following amendment of the illustrative plan having taken into account the comments of the High Weald Unit), it is considered that there is little reason to differ from the Inspector's appraisal at this outline stage. The indicative sections have also been amended to indicate split level two-storey dwellings cut into the hillside. Ground levels continue to rise up south-eastwards to the area retained for landscaping and thus any new dwellings would sit below the level of Rother View and Beechwood Close.

6.5.3 In addition, amendments have also been received to reduce the number of units from 32 to 30 and thereby maintain more space between the buildings. The existing historic field boundaries around and through the site are retained, with additional planting to the ghyll interspersing the parking bays and in front of the new dwellings. This should all soften and assist in screening the development and thereby integrate it into the landscape of the AONB.

6.5.4 At this stage there are no design details and it is not possible to definitively assess the potential landscape effect. This would be for later consideration at the reserved matters stage. It is however accepted that a development of 30 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. Landscaping is also a reserved matter.

6.6 Drainage

6.6.1 Several residents have drawn attention to drainage matters saying that the existing sewer is at capacity and that the site is very wet and has springs. These are matters that have been considered by Southern Water, the Environment Agency and the Lead Local Flood Authority (LLFA). Outline drainage proposals have been provided which include an independent sewage treatment plant and surface water drainage. While some amendment of those details is required, there is currently no reason to

believe that the site suffers from insurmountable drainage problems. Drainage details would be required as normal via condition.

6.7 Residential Amenity

6.7.1 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, separation distances and changes in ground level 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.

6.7.2 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 temporary inconvenience of construction traffic/activity is not a material reason to withhold planning permission. As to the narrow width of Strand Meadow and issues of congestion in Shrub Lane, these matters are considered to have been satisfactorily addressed either within the application or in terms of proposals being undertaken by the Highway Authority. Concerns regarding children and pets playing within the road are not a reason to withhold planning permission, the road being for vehicular traffic. Concerns regarding access for refuse and emergency vehicles are considered to have been addressed in the required modifications to the width and parking in Strand Meadow.

6.8 Nature Conservation

6.8.1 The application is accompanied by an Ecological Assessment and an Arboricultural Assessment, which have been updated from those originally undertaken in 2010. There have been no changes to the findings with the same species found on site. The site and the development proposed would not impact upon any statutory site of nature conservation interest. The indicated layout reflects protection and maintenance of the main features of the site in terms of both wildlife and trees. Protection, monitoring and mitigation form part of the documentation. A TPO covers the site and this is also considered within the Arboricultural report.

6.8.2 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.

6.9 Affordable Housing

6.9.1 The application proposes the required 40% affordable housing (12 units plus commuted sum for fraction of a unit) and the Head of Housing supports the proposal. A section 106 Agreement (or modification of the existing agreement) would be necessary to secure the provision together with nomination rights.

6.9.2 Policy LHN2 also requires the provision of affordable housing to be pepper-potted. Consideration of this would form part of the reserved matters application.

6.10 New Footpath

6.10.1 The ESCC highway and footpath officers refer to a new footpath link to the recreation ground rather than direct to Ham Lane. The matter was previously considered in the 2011 application. The Policy was subject to the Local Plan Inspector's comments and local opinion, all of which agreed that the footpath link and the community land were essential to better integrate the proposed residential development off Strand Meadow with the village. The footpath would provide improved integration of Strand Meadow with the village centre, a shorter route that may reduce car use to the village shops and services. Ham Lane is a shared surface but the volume of vehicles using Ham Lane is low as is their speed. The exact route for the new footpath(s) would be the subject of further discussions at reserved matters stage.

6.11 Section 106

6.11.1 In the event that outline planning permission is granted this would need to be subject to the satisfactory completion of a section 106 planning obligation. (This may be in the form of modification of the existing section 106 Agreement subject to legal advice). The CIL Regulations 2010 provide three tests for section 106 Planning Obligations. Obligations should be:

- *Necessary to make the development acceptable in planning term.*
- *Directly related to the development.*
- *Fairly and reasonably related in scale and kind to the development.*

Any matter included with a section 106 Agreement must meet all of these tests.

6.11.2 The following matters are considered at this time for inclusion within a section 106 Agreement and are considered to be related to the development, proportionate and necessary:

- Provision of affordable housing units and an associated commuted sum.
- The provision of and future management of the landscape area and amenity public open space, with landscaping.
- The provision of recreational (allotment) land.
- The provision of a footpath to join with the recreation ground/Ham Lane
- The implementation of ecological and arboricultural mitigation measures.
- Off-site highway works to include:
 - A new vehicular access into the site as a continuation of Strand Meadow.
 - The existing turning head on Strand Meadow retained and formalised and separated from the main through route by carriageway markings.
 - Removal of approximately 50m of the existing footway along the northern side of Strand Meadow allowing the carriageway to be widened to provide an additional area of on-street parking.
 - A pedestrian crossing with dropped kerbs and tactile paving provided where the footpath ends to the north of the new parking area.
 - Widening of the carriageway to retain a 4.8m width along this section of road by narrowing the footway on the south side of Strand Meadow to a width of approximately 2.7m.

6.11.3 In addition to the s106 obligation, the off-site highway works will also require a section 278 Highway Agreement.

7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is development where CIL will be chargeable. CIL is, however, calculated at the Reserved Matters (rather than the outline) stage, as where CIL is chargeable the amount can only be calculated when precise floor areas of properties are known.

8.0 SUMMARY

- 8.1 The site lies within the development boundary for Burwash and the proposed scheme fulfils the criteria set out at Policy VL1 of the Local Plan 2006, save for the increase in the number of dwelling units.
- 8.2 The site can provide additional housing to meet that allocated for Burwash and would go some way to meeting the five year supply which the Council cannot currently demonstrate.
- 8.3 The proposal satisfies the policy requirement for 40% affordable housing.
- 8.4 The development proposed, subject to later consideration of reserved matters, would not be harmful to the character and scenic beauty of the High Weald AONB.
- 8.5 The proposal includes off-site highway works to address highway concerns in Strand Meadow.
- 8.6 Subject to mitigation measures the development can be achieved without unacceptable effects upon the important flora, fauna and trees on the site.
- 8.7 It is considered that suitable drainage measures can be put in place subject to their consideration as reserved matters.
- 8.8 The proposed scheme is not considered to directly harm residential amenity.

RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATE (SECTION 106 OBLIGATION – TO SECURE: AFFORDABLE HOUSING, 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)

CONDITIONS:

1. Before any part of the development hereby approved is commenced approval of the details of the access, appearance, hard and soft landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be obtained from the Local Planning Authority in writing.
Reason: In accordance with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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 (Development Management Procedure) Order 2010.
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.
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).
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 development hereby permitted shall be carried out in accordance with the following approved plans and particulars:
Drawing No. 4702/LP rev.F dated January 2017.
Drawing No. 2016/3288/001C and 002C submitted 17 May 2017.
Drawing No. 2016/3288/003A dated January 2017.
Ecological Assessment Report, including mitigation, by The Ash Partnership dated February 2017.
Arboricultural Assessment Report, by The Ash Partnership dated February 2017.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
6. The number of dwellings permitted within the site as defined by this outline planning permission shall not exceed 30.
Reason: Having considered illustrative layouts for the site this is the maximum number of units that can be reasonably accommodated while still maintaining space about the buildings and including landscaping, to mitigate the area of development and better integrate it into the landscape and scenic beauty of the High Weald AONB and surrounding area, in accordance with Policies EN1 and OSS4 (iii) of the Rother Local Plan Core Strategy and paragraph 115 of the National Planning Policy Framework.
7. As part of condition 1 above, details shall also be submitted for a foul and surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year, including climate change critical storm, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall retain existing watercourses as open channels and shall as far as possible utilise above ground systems for surface water. The scheme shall also include details for its maintenance and management after completion. The scheme shall be

implemented and maintained in accordance with the approved details before the development is completed.

Reason: Early consideration of the drainage infrastructure is required to ensure that the development will not increase the risk of flood and will improve water quality and to ensure the future maintenance of the drainage systems, in accordance with Policies SRM2 and EN7 of the Rother District Local Plan Core Strategy and section 10 of the National Planning Policy Framework.

8. As part of condition 1 above details shall be submitted for the parking and turning of vehicles in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas and all those areas shall be provided and thereafter retained for that use only.

Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies TR4 and TR3 of the Rother District Local Plan Core Strategy.

9. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

10. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [9] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

11. No development shall commence until a scheme of the working hours during the construction has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: Having regard to the single access to the site past existing housing, a pre-commencement condition is required to ensure construction activity does not harm the amenities of local residents in accordance with Policies OSS4(ii) and CO6 of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.

12. Prior to the commencement of the development a scheme for the control of noise and dust during construction shall be submitted to and approved in writing by the local planning authority. Development work should be carried out in accordance with the approved scheme and no bonfires will be permitted on site.
Reason: A pre-commencement condition is required so that development from its outset does not unreasonably harm the amenities of adjoining properties in accordance with Policy OSS4(ii) of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.
13. Before commencement of any ground works for the development hereby approved, the finished ground floor levels of the buildings in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details.
Reason: To ensure the satisfactory accessible development of the site and retention of residential amenity for existing surrounding properties, in accordance with Policy OSS4 (i) (ii) and (iii) of the Rother District Local Plan Core Strategy.
14. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
 - h) details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area and for the benefit and convenience of the public at large having regard to Policies OSS4(ii) and TR3 of the Rother District Local Plan Core Strategy.
15. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no. 2016/3288/001C.
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother District Local Plan Core Strategy.
16. Prior to the commencement of development details of the proposed footpath link, including siting, gradients and surfacing, shall be provided to and approved in writing by the local planning authority. The footpath shall be provided in accordance with the approved details before the occupation of

the penultimate dwelling constructed on the site and thereafter maintained in accordance with the approved details.

Reason: To ensure improved footpath integration with the village centre and its services in accordance with Policy VL1 of the Rother District Local Plan (2006) and Policy TR2 of the Rother District Local Plan Core Strategy.

17. Before above ground level works take place on any building 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: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (ii) of the Rother District Local Plan Core Strategy.

18. No development above ground level 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 before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

19. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the local planning authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
- b) Design, layout and appearance of structural and amenity green space, including verges.
- c) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers)
- d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- f) Details for implementation

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

20. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and

quality of the High Weald AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother District Local Plan Core Strategy.

21. If within a period of 10 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.
22. No external means of illumination of any part of the site shall be provided, installed or operated, with the exception that should some street lighting be required with a view to adoption as a publicly maintained highway, a scheme for the lighting must first be submitted to and approved in writing by the local planning authority in association with the Highway Authority. Street lighting shall only be installed in accordance with the approved scheme.
Reason: To safeguard the visual amenities of the locality and to maintain the landscape character and appearance of the High Weald AONB, in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother District Local Plan Core Strategy.

Notes:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
2. The applicant is reminded of the desirability to enter into pre-application discussion with the local planning authority in relation to any reserved matters application. <http://www.rother.gov.uk/article/8842/Pre-application-advice-and-fees> The 'Illustrative' site layout drawing submitted to accompany the application is not approved as part of the outline permission.
3. In relation to Condition 7 concerning foul sewerage and sustainable surface water drainage arrangements, the applicants attention is drawn to the responses of both Southern Water dated 7 April and 6 June 2017 and the ESCC Lead Local Flood Authority dated 11 April 2017 as to the specific requirements at the reserved matters stage.
4. In relation to conditions 9 and 10, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the ESCC document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annexe B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE, telephone 01273 481608 or email County.Archaeology@eastsussex.gov.uk
5. With regard to condition 12 works shall ensure compliance with the guidance found in BS5228-1: 2009 +A1:2014, Code of Practice for noise and vibration control on construction and open sites.

6. The applicant is advised of the need to enter into section 38 and section 278 Agreements with the ESCC Highway Authority.
7. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
8. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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