

# Agenda Item 7a

**Report to:** Planning Committee  
**Date:** 26<sup>th</sup> January 2021  
**Application No:** 190706  
**Location:** Land at Friday Street Farm, Stone Cross, East Sussex  
**Proposal:** Outline application (Matter for approval: Access) for proposed new access from Pennine Way to serve development of Land at Friday Street Farm, for up to 250 residential dwellings (35% affordable), with associated car parking, together with the introduction of new access point from Pennine Way, and creation of a network of roads, footways, and cycleways throughout the site; and the provision of 1.6ha of public open space, further children's play areas, allotments, sustainable urban drainage systems, and landscape buffers on the site.

Full proposal is being considered by Wealden District Council (Ref: WD/2020/1391/MAO)

**Applicant:** Wates Developments Limited  
**Ward:** Langney  
**Deadlines:** **Decision Due Date:** 9<sup>th</sup> December 2019  
**Neighbour Con. Expiry:** 29<sup>th</sup> November 2019

**Recommendation:** Grant outline planning permission subject to legal agreement covering the following issues and subject to the conditions listed below in the report:-

Heads of terms for the S106 Legal Agreement:-

Pennine Way Access, vision splays and other road safety mitigation to Pennine Way including traffic calming measures (as outlined and agreed by East Sussex County Council shall be implemented prior to the commencement of any development of the site.

Strategic Road improvements to be funded by either WDC CIL or the applicant and to be completed prior to the first occupation of the development.

Enforcement WDC & EBC to share enforcement responsibilities in the event of one of the milestones not being met.

Signatory EBC to be a signatory to the S106 in order to allow for the enforcement powers described above.

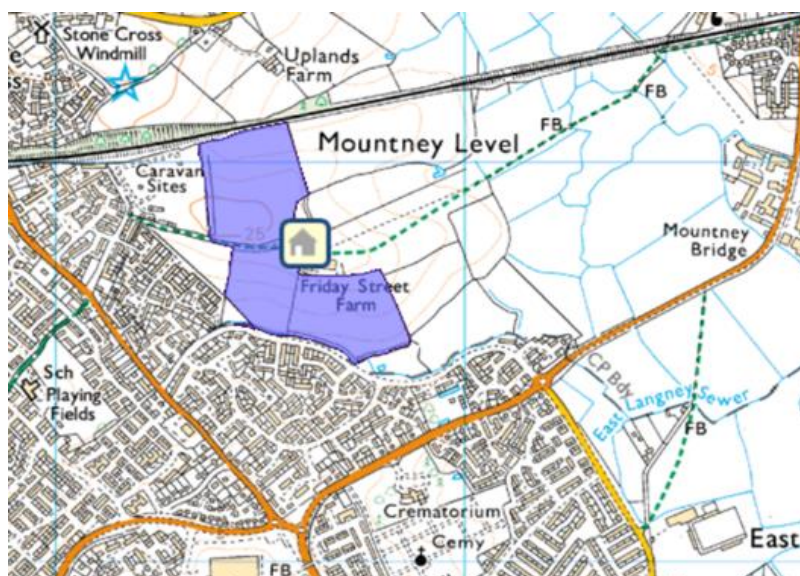
Public Transport Initiatives payments to be made to cover the provisions of new bus stops, real time bus information and to increase the frequency of the buses, travel plan and travel passes.

**Contact Officer:**

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**Map Location:**



**1. Executive Summary**

- 1.1 This report is in three parts.
- 1.2 Part 1 gives a summary of the current issues and the officers recommendation.
- 1.3 Part 2 is for information and is a copy of the officer's report from the 23rd of June Planning Committee.
- 1.4 Part 3 is for information and a copy of the executive summary of the report of Wealden District Council.

**2. Part 1 Summary of the current issues**

- 2.1 The proposal is an outline application with all matters reserved except Access which proposes a new access and road improvement works from Pennine Way to the fields to the north which are proposed to be developed by application to Wealden District Council (WDC) for up to 250 residential dwellings.

- 2.2 Members will be aware that WDC have resolved to grant their application subject to a legal agreement covering:
- Delivery of 35% affordable housing on site;
  - 5% on site custom and self builds;
  - onsite open space, including equipped areas with the necessary maintenance;
  - A package of highway works in proximity to the site and wider afield and enhancement to public transport initiatives that includes funding to upgrade of existing bus stops on Pennine Way (to incorporate real time passenger information) · Financial contribution of £250,000 towards an improved bus service on Pennine Way. · A Residential Travel Plan including an audit fee of £6000. · The provision of free bus travel promotion for new residents for a period of 3 months.
- 2.3 At Planning Committee (EBC) in November 2020 members resolved to defer consideration of the application to enter discussion with Wealden District Council and East Sussex County Council to secure section 106 and 278 agreements. This was a requirement to safeguard EBC and EBC resident issues.
- 2.4 These discussions have now concluded and summarised below:
- EBC are now to be signatory to the WDC S106 legal agreement;
  - EBC have negotiated that either EBC or WDC can take enforcement action if needed with regard to the highway works in Pennine Way;
  - Controls within the S106 legal agreement stipulate the Pennine Way highways works should be completed prior to commencement of development;
  - WDC have confirmed via their planning committee (as advised in their officers report) that there are sufficient funds available for the wider highway works to cover the Strategic Road Network improvements at Lion Hill, Dittons Road/Rattle Road/Hailsham Road and the A22 Golden Jubilee Way/Dittons Road junctions.
- 2.5 It is accepted that wider Strategic Highway works are to be funded by way of payments by WDC via their Community Infrastructure Levy (CIL) monies, however this does not give sufficient assurance to EBC that these works will be carried out in a timely fashion. It is recommended therefore that clauses are added to the S106 to require either the applicant to fund the development or the applicant to carry out the works in a timely fashion. In this regard in a timely manner would be prior to occupation.
- 2.6 It is accepted that under the S278 highway works application that there may be as part of the S278 application bond payment required to secure completion of the works when underway should anything happen to the developer. The bond is then paid back upon completion milestones.
- 2.7 There are no SuDs or surface water mitigation works proposed on EBC land, however there are trees shown to be retained that are located within the land owned by Eastbourne Borough Council.

2.8 Given the above and that now EBC have greater controls via the S106 legal agreement it is considered that this application should now be supported and is recommended for approval.

### 3. **Recommendation**

3.1 The recommendation is to grant planning permission subject to legal agreement covering the following issues and subject to the conditions listed below:-

3.2 Heads of terms for the S106 Legal Agreement

3.3 Pennine Way Access, vision splays and other road safety mitigation to Pennine Way including traffic calming measures (as outlined and agreed by East Sussex County Council shall be implemented prior to the commencement of any development of the site.

3.4 Strategic Road improvements to be funded by either WDC CIL or the applicant and to be completed prior to the first occupation of the development.

3.5 Enforcement WDC & EBC to share enforcement responsibilities in the event of one of the milestones not being met.

3.6 Signatory EBC to be a signatory to the S106 in order to allow for the enforcement powers described above.

3.7 Public Transport Initiatives payments to be made to cover the provisions of new bus stops, real time bus information and to increase the frequency of the buses, travel plan and travel passes.

### Recommended Conditions

1. Time Limit The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

2. Reserved Matters a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. layout.
- ii. scale.
- iii. appearance; and
- iv. landscaping.

b) The reserved matters shall be carried out as approved.

- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. Approved Plans The development hereby permitted shall be carried out in accordance with the approved drawings:

C85278-SK-003 G

C85278-SK-004 F

C85278-SK-005 H

C85278-SK-006 G

Aboricultural Impact Assessment - 9162\_AIA.001 Rev C Dated September 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Pennine Way Access Details The new access and associated works to Pennine Way shown on Drawing C85278-SK-003 G, C85278-SK-004 F, C85278-SK-005 H and C85278-SK-006 Revision G shall be in the position shown on the approved plans and laid out and constructed in accordance with details agreed by the Local Planning Authority. The agreed measures shall be implemented prior to the first use of the access other than for construction purposes.

Reason: To provide visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development.

5. Pennine Way Highway Mitigation. The access hereby granted shall not be used for accessing any part of the residential development site until visibility splays of 2.4m by 55m are provided in both directions and maintained thereafter and that the wider road safety measures in Pennine Way are implemented in full.

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

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

- the anticipated number, frequency and types of vehicles used during construction;

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

Reason: In the interests of highway safety and the amenities of the area.

7. Detail drawings of highway junction Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

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

8. Working Hours That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers and in the interest of maintaining the character of the wider area.

9. Retained Trees All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage because of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (BS 5837:2012) for the duration of the works on site. If trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

10. Works within root spread The soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.

Reason: To avoid damage to health of existing trees and hedgerows.

4. **Part 2 : A copy of the officer's report to the 23<sup>rd</sup> June Committee of Eastbourne Borough Council**

4.1 **Executive Summary**

4.2 The proposal is an outline application all matters reserved except Access for a new access and road improvement works from Pennine Way to the fields to the north which are proposed to be developed by application to Wealden District Council (WDC) for up to 250 residential dwellings. That application has subsequently been refused by WDC therefore the access implications cannot be fully assessed, nor mitigation secured.

4.3 Therefore, it is recommended that outline consent for the new access is refused for the reasons set out in this report.

4.4 **Relevant Planning Policies**

4.5 Revised National Planning Policy Framework (2019)

2. Achieving sustainable development

4. Decision-making

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

9. Promoting sustainable transport

11. Making effective use of land

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding, and coastal change

15. Conserving and enhancing the natural environment

4.6 Eastbourne Core Strategy Local Plan (2013)

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C8: Langney Neighbourhood

D1: Sustainable Development

D8: Sustainable Travel

D9: Natural Environment

4.7 Eastbourne Borough Plan – Saved Policies

NE4: Sustainable Drainage Systems

NE15: Protection of Water Quality

NE18: Noise

NE20: Sites of Nature Conservation Importance

NE22: Wildlife Habitats

NE28: Environmental Amenity

UHT1: Design of New Development



UHT4: Visual Amenity  
UHT6: Tree Planting  
UHT7: Landscaping  
HO20: Residential Amenity  
TR2: Travel Demands  
TR6: Facilities for Cyclists  
TR7: Provision for Pedestrians

#### **4.8 Site Description**

- 4.9 The development site in its entirety is situated to the south east of Stone Cross, west of Westham and northeast of Langney and Eastbourne. The land extends to 14.91 ha (36.84 acres) and comprises 3 parcels of land. Most of these fields comprise agricultural land, used for grazing and comprises rough grassland and scrub; and many of the fields' boundaries are separated by hedgerows and scattered trees.
- 4.10 Friday Street Farmhouse and a group of existing agricultural style buildings, some in commercial use are located immediately adjacent to the eastern boundary of the site, beyond which are the Mountney Levels. The farm complex is accessed via a farm track connecting the site to Oak Tree Lane. A public footpath also shares this track and continues through the middle of the site and on towards Westham in the east. Bordering the application site to the north is a railway line, beyond which are further agricultural fields. Some of these fields have obtained planning permission for residential development from WDC.
- 4.11 To the south of the application site is the section within the Eastbourne Borough Boundary. This amounts to part of Pennine Way and the grass verge to the north of the road, the hedgerow of the boundary of the southern field and then a small section of the field itself.
- 4.12 To the south of Pennine Way is an area of residential housing. To the west is Castle Bolton, and further residential development, within the Eastbourne Borough Boundary. Whilst to the northwest is Eastbourne Heights which is partly within the Eastbourne Borough Boundary.

#### **4.13 Relevant Planning History**

- 4.14 No planning history within Eastbourne Borough Council
- 4.15 The application for outline planning permission for the development of the site itself for housing was refused on 27 May 2020 by Wealden District Council for the following reasons.
1. The delivery of housing on this site is contrary to the rural housing restraint policies within Saved Policies GD2 and DC17 of the Wealden Local Plan 1998 and WCS 6 of the Wealden Core Strategy Local Plan.
- The Council does not have a 5-year housing land supply. Footnote 7 of the NPPF would render the local plan policies on housing supply out of date limiting the weight that can be afforded to them in line with the degree of

compliance with the NPPF. Unsustainable rural housing is resisted under the NPPF and as such the rural restraint policies can be afforded some weight.

The site is elevated and sloping in parts. Residential development would expand development out towards the Pevensy Levels, in an area of high landscape sensitivity.

The site is on the periphery of Wealden and includes access into the administrative area of Eastbourne. It is considered the scheme would create unsustainable rural dwellings with no realistic alternatives to the private car to access services the proposal would represent unsustainable development under the NPPF. There are also no important rural services in the immediate locality that could benefit from additional residents. This proposal does not relate to rural development that would allow an existing settlement/community to thrive.

Overall, the adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the conflict with the adopted local plan and NPPF. Permission should be refused the proposal conflicting with saved policies EN1, EN8, GD2, and DC17 of the Wealden Local Plan 1998, WCS6 and WCS 14 of the Wealden Core Strategy Local Plan 2013.

2. The application submissions are not considered to make insufficient provision and supporting technical information for the provision sustainable drainage systems within the site without leading to the risk of ground water flooding both within and off the site. As such, it is considered that the application submissions do not demonstrate that the proposed development of 250 dwellings and associated works could be satisfactorily accommodated on the site without detriment to the amenities of local residents and would not lead to an increased risk of surface water flooding. It is therefore considered that the proposals represent an unsustainable form of development, the adverse impacts of which

could significantly and demonstrably outweigh the benefits of the development proposal when assessed against the policies of the National Planning Policy Framework and development plan. The proposals would therefore represent an unsustainable form of development contrary to Paragraphs 163 and 165 of the National Planning Policy Framework 2019, paragraph 79 of National Planning Practice Guidance, Spatial Planning Objectives SPO10 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN1, EN27, CS2 of the adopted Wealden Local Plan 1998.

#### **4.16 Proposed development**

4.17 This is an outline planning application with all matters reserved except for access.

4.18 The scheme in its entirety seeks development of up to 250 dwellings (35% affordable), with associated car parking, together with the introduction of a new access point from Pennine Way and creation of a network of roads, footways, and cycleways throughout the site; and the provision of 1.6ha of public open space, further children's play areas, allotments, sustainable urban drainage systems, and landscape buffers on the site.

- 4.19 Whilst most of the application site lies within Wealden District, the point of access from Pennine Way falls within the Eastbourne Borough boundary. A duplicate application has been submitted to Wealden District Council and Eastbourne Borough Council.
- 4.20 As a result, it has been agreed that only the access is for determination by Eastbourne Borough Council. All other aspects/considerations of the proposal, including flood risk, drainage, amenity issues, landscaping, and biodiversity etc have been considered under the Wealden Application which has subsequently been refused as set out above.
- 4.21 Consultations**
- 4.22 Specialist Advisor (Planning Policy) – Objection
- 4.23 Eastbourne Borough Council (EBC) objects to this planning application and considers it premature when placed in the context of the emerging Wealden Local Plan. Eastbourne Borough Council has formally objected to the Wealden Local Plan including in relation to Policy SWGA 48 that would allocate this land for development of housing. The Wealden Local Plan is at Examination in Public (EiP) and there is an outstanding EBC objection to this allocation and to the Plan, therefore EBC would request that Wealden District Council (WDC) considers our objections carefully and whether they have been overcome through this application, prior to any recommendation for approval.
- 4.24 The EBC submission at Regulation 19 (Submission Plan) essentially draws out the key issues of this allocation (and relevant to this application) as a lack of consideration to cross-boundary infrastructure provision.
- 4.25 This is both in the context of identifying what the infrastructure requirements are that arise in Eastbourne Borough and what the mechanism is to ensure the provision of or improvement to infrastructure outside of Wealden district. For example either S106 for specific items in Eastbourne relating to site-specific impacts and/ or a clear mechanism for CIL funds to be spent on cross-boundary impacts for cumulative impacts of development completed, committed and allocated within the Plan period 2013-2028.
- 4.26 Without the mechanisms in place at the policy-making stage we consider this application to be premature; the site is proposed to be allocated and EBC still has the opportunity to influence the detail of this policy (and a general contributions policy) and the Plan through the EiP process and whilst this allocation may be less than strategic in the context of the Wealden Plan, the scale to Eastbourne is strategic and could give rise to significant impacts individually and particularly cumulatively.
- 4.27 Councillor Alan Shuttleworth – Objection
- 4.28 The Wealden Local Plan is not sound due to a failure to engage fully with Eastbourne Borough Council on border issues and particularly on the impact on the infrastructure across Eastbourne. Further, I believe that Wealden Council have failed to recognise the significant impact on Wastewater treatment and surface water run-off, in addition to road and public transport impacts, especially along Pennine Way.

- 4.29 I believe that the cumulative effect of permissions already granted for new developments in this area, which are close to the Borough of Eastbourne boundary are already putting an enormous strain on the infrastructure across Eastbourne.
- 4.30 I am opposing the application due to
- Flooding problems
  - Effects on ecological and environmental nature of the area
  - Issues around wastewater treatment
  - Traffic impacts
- 4.31 ESCC Highways – Qualified comments –dependant on infrastructure improvements
- 4.32 Support for the scheme can only follow a detailed package of mitigation being in place prior to occupation. The Highways comments are highly detailed and therefore have been appended to this report so they can be accessed in full, as this is a main material consideration for this application.
- 4.33 Lead Local Flood Authority – No objection
- 4.34 The applicant has undertaken hydraulic modelling of the watercourses bordering the application site. The results indicate the proposed attenuation ponds and swales are outside the determined 1 in 100 (plus 45% for climate change) fluvial flood plain. This addresses our previous concerns with regards the impact of the fluvial flood plain on the surface water drainage strategy and consequently surface water flood risk. However, the predicted water levels within the stream should be used to inform the hydraulic design of the surface water drainage system to ensure the impact of the surcharging of the outfall is taken into account in the design. It is our understanding from the additional information provided that ICOSA Water is willing to adopt the proposed surface water drainage system at the application site.
- 4.35 We are still concerned by the location of the tank on the hill and the need to pump water to the tank. It would have been preferable if the pump were at the outfall of the tank, which has less residual flood risk compared to the current proposals. Although we appreciate that an inset water company is willing to adopt the northern drainage system, we request that this part of the application is reviewed at the reserved matters stage. The applicant should review options for the layout to allow the proposed surface water drainage system to be more sustainable with less residual flood risk associated with it. It is our understanding from the information provided by the applicant that the permeable pavement shown on the outline surface water drainage plan have not been considered in the surface water storage provision for the application site. We do not recommend the consideration of permeable pavement on driveways in the surface water storage requirements due to the potential for them to be lost as householders make changes to their driveways
- 4.36 Neighbour Representations
- 4.37 Objections were received from 46 surrounding address covering the following issues.

Impacts of additional traffic on Pennine Way, Friday Street etc  
Impact on railway crossing at Westham  
Capacity for schools, GP's etc  
Increased Pollution  
Increased noise  
Flooding issues  
Over development of Langney/Stone Cross/Rattle Road  
Impact on wildlife  
Another sports pitch is not required  
Sewerage disposal  
Should not build on green field land  
Loss of amenity for local people  
Deterioration of water quality  
Inadequate road crossings  
Lack of speed controls on Pennine Way  
Access is on a bend with restricted views  
Impacts will fall on Eastbourne even though the Land is in Wealden  
Development would join the two districts creating urban sprawl.  
Loss of agricultural land  
Proposal does not help to address the need for affordable housing  
Prematurity before adoption of the revised local plan  
Cycle paths are pointless in the site when there are none outside the site  
Pollution  
Energy Efficiency,  
Impacts on air quality  
Properties on the site will be higher than existing properties leading to a loss of privacy  
Other non-green belt land is more suitable  
Why can't Oak Tree Lane be used?  
Impact on Purbeck Close from additional footfall through the alley  
Charges for future residents for the common areas/facilities

**4.38 Appraisal**

**4.39 Principle of the Development**

4.40 The application for a new access was submitted to serve a development within the boundaries of Wealden District Council. WDC have refused

permission for that application. Therefore, there is no permission to develop the site that the proposal would provide access to.

- 4.41 Therefore given there is no permission for the development of the site, the true impacts cannot be assessed, given that if granted the access could in theory be used for any manner of uses of the site and Eastbourne Borough Council would have little or no control over the development site given the site is within Wealden District.
- 4.42 If it were minded to approve planning permission the Council would have sought some form of agreement through S106 or planning condition that the access was only implemented to serve that development to ensure appropriate mitigation measures.
- 4.43 There is an objection in principle to the development of the site, Eastbourne Borough Council objected to the allocation of this site for Housing through the local plan process. It is noted that the Wealden Draft Local Plan has been withdrawn but the objection remains. However, the principle of the development of the site is not for EBC consideration. The application proposal that falls within the Eastbourne Borough Boundary should be considered against the relevant planning policies.
- 4.44 Highways Impacts**
- 4.45 The application is accompanied by a Transport Assessment which details the proposals in terms of the proposed layout and access, accessibility as well as existing and proposed traffic conditions.
- 4.46 Discussion with ESCC Highway Authority have been ongoing for some considerable time at pre-application stage. Considering that, the Highway Authority has provided a detailed and thorough 22-page assessment of highway matters.
- 4.47 Due to its length, the text is not included in this report. However, a full copy of the appraisal is appended for Members to review.
- 4.48 The County Council's position is that the impact of the proposed development is acceptable. This is qualified, however, and includes a comprehensive package of works that would be secured via conditions, s106 and s278 works. This includes agreed funding to sustain the bus service on Pennine Way, together with upgrades to bus stops close to the site (with real time passenger information).
- 4.49 WDC state in their appraisal of the scheme that contributions have already been collected from other development sites towards this package of works. This includes the Land South of Rattle Road, Land at The Wells, Rattle Road and Land at Uplands Farm. Any shortfall would be covered by the CIL Charging Schedule. With this funding certainty in place, there is no need for conditions controlling occupation.
- 4.50 Given the above it is not considered that a reason for refusal based on highway impacts or safety could be justified.
- 4.51 Ecology
- 4.52 Ecological impacts and potential for net gains can be considered more fully on the main application. Given this application is solely for the access to the

site the impacts are limited to those resulting from that part of the development including the loss of the existing hedgerow to facilitate the access.

- 4.53 The site is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Pevensy Levels Site of Special Scientific Interest (SSSI) / Special Area of Conservation (SAC) / Ramsar located approximately 1400m to the north-east of the site. The nearest non-statutory designations to the site are Langney Crematorium Site of Nature Conservation Importance (SNCI) and Langney Levels SNCI, which are located approximately 265m and 380m to the south and south-east of the site, respectively.
- 4.54 Consideration has been given to these designations and mitigation measures are proposed where necessary, notably in regard to measures to maintain water quality through the main application and the proposals present the opportunity to secure a number of net gains in biodiversity, including native tree and shrub planting, wildflower grassland creation, new wetland habitat within swales and attenuation basins and new faunal habitat provision.
- 4.55 WDC have concluded that the findings of the ecological reports are accepted, and it is considered that planning conditions can ensure the necessary mitigation and enhancement works are undertaken at the appropriate time. The development would accord with planning policies about nature conservation and biodiversity enhancement.
- 4.56 It is not considered that a reason for refusal based on ecological impacts could be sustained.
- 4.57 Drainage and Flooding
- 4.58 Whilst several objections have been received on this matter this is only a consideration for this application in terms of the impact from the access way. The drainage and flooding issues from the site are dealt with under the wider development application within WDC area.
- 4.59 It should be noted that the LLFA, EA nor SW raise objections to the Wealden Application. Initial concerns regarding flooding have been overcome by additional reports and modelling. The LLFA comments are contained in full above.
- 4.60 The WDC application has been refused for two reasons, one being the submission is not considered to demonstrate the proposed development could be accommodated on the site without detriment to the amenities of the local residents and would not lead to an increased risk of surface water flooding.
- 4.61 However it should be considered that creation of the access road and those works falling in this application would have little impact in and of themselves, in terms of creating flood risk or drainage issues and given the above it is not considered that a reason for refusal on this basis could be substantiated for this application.
- 4.62 Landscaping and visual impact

- 4.63 All matters other than access is reserved for later determination, the landscaping strategy will form part of the reserved matters and will seek to ensure that landscaping will be utilised to minimise the visual impact of the proposal.
- 4.64 The application is supported by a landscape Visual Impact Assessment. This concludes that the visual effects of the proposed development would be localised, and significant negative effects would be limited to changes to the views available to a small number of residents, pedestrians and vehicle users along Pennine Way to the south of the site, however it concluded that this would reduce over time as proposed planting matured with residential development becoming progressively filtered by proposed planting.
- 4.65 The proposal would undoubtedly be different and there would be impacts of the proposal as a whole when viewing the site from Pennine Way, however the application for determination is solely in relation to the access and it is not considered a reason for refusal based around visual impact or landscaping solely of the access could be substantiated.

#### **4.66 Human Rights Implications**

- 4.67 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

#### **4.68 Recommendation**

- 4.69 It is considered that the material planning considerations of the development as a whole need to be considered as part of the main application by WDC.
- 4.70 This application only accesses the material considerations of the impacts of the access and highway works. To refuse permission for anything other than issues or impacts arising from the works subject to the application would be unreasonable.
- 4.71 It is considered that there are no highway reasons to refuse the application, the highway authority have not raised objection to the access and it along with the traffic calming measures have been assessed by an independent audit team and a stage 1 road safety audit has been produced. Therefore, there is no highway safety reasoning to refuse the new access.
- 4.72 However, it must be considered that the permission for the development of the land has been refused by WDC and therefore the development of the site to which the access serves is unknown. The wider impacts of the access in terms of traffic generation and sustainability cannot be fully or reasonably assessed, and the mitigation works and the funding for wider improvements could not be reasonably scoped. For any mitigation to be successful there needs to be an understanding of what impacts need to be mitigated and with the WDC scheme being refused there is no permission to evaluate the mitigation measures.



4.73 It is considered that the Council cannot consider favourably a consent for an access when the use of the access is unknown. Therefore, it is recommended that planning permission is refused for the following reason.

4.74 **Reason for refusal: -**

4.75 The proposed access provides vehicular and pedestrian access to an existing farm, and in and of itself would appear to be an overly engineered access for farm use. Notwithstanding this planning permission for the development of the fields to the north has been refused and therefore the impacts and mitigation of the access and the wider application in general cannot be assessed.

4.76 **Appeal**

4.77 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

4.78 **Background papers.**

4.79 There are none.

5. **Part 3 Executive Summary of the Officers Report to Wealden District Council**

**Recommendation**

- a) Liaison with Natural England over positively concluded Appropriate Assessment (that development would not cause in combination impacts on the water quality of Pevensey Levels).
- b) Completion of a Section 106 Agreement securing:
  - i) Delivery of 35% affordable housing on site;
  - ii) 5% on site custom and self-build plots;
  - iii) On site open space (including allotments) providing for youth adult, together with local equipped areas for play (and their ongoing maintenance);
  - iv) On and off-site highway works including:-
    - Funding to secure the upgrade of existing bus stops on Pennine Way (to incorporate real time passenger information);
    - Financial contribution of £250,000 towards an improved bus service on Pennine Way;
    - A Residential Travel Plan including an audit fee of £6000;
    - The provision of free bus travel promotion for new residents for a period of 3 months.

**Executive Summary:**

This is an outline planning application seeking residential development of up to 250 dwellings, together with allotments, open space, and sport/playing fields on land at Friday Street Farm, Stone Cross. Details of access are submitted for consideration with all other matters reserved for future consideration. The application is accompanied by various technical documents, including an illustrative masterplan which demonstrates the site can satisfactorily accommodate the proposed level of development and associated infrastructure and open space.

The scheme is identical to the application lodged under WD/2019/1994/MAO and refused in May 2020. However, the current proposal seeks to address the two reasons for refusal given by Committee relating to development boundary breach and concerns regarding drainage.

The application site lies within open countryside as defined by the 1998 adopted Local Plan and has therefore been advertised as a 'departure' application. Part of the site – where the new access is proposed to link into Pennine Way – falls outside the Wealden boundary. A separate application has been lodged to Eastbourne for that part of the proposal.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the development plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

Within the context of the now withdrawn Wealden Local Plan 2019, the site was identified as forming part of development at Stone Cross for a mixed use development comprising housing (up to 250 dwellings) B1, B2 and B8 employment floor area and associated infrastructure including open space, allotments and play facilities; under Policy SWGA 48. As the Committee will now the scheme in WD/2019/1994/MAO was lodged before the Examining Inspector issued her report on soundness to the 2019 Plan. Even so, the proposal as submitted would fully accord with what was the Submission Plan.

The Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing, together with custom and self-building housing.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan.

The committee must be clear: this application is in breach of that strategy and policies in that Plan indicate a decision should be refused unless persuasive material considerations justify taking a different decision. These policies, which restrict development in the countryside, were based on an assessment carried out in 1998 of the housing requirements up until 2004. It is long since out of date and this is a major consideration. As the planning history identifies, the Council has supported significant residential development beyond the 1998 development boundaries.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. Where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF a whole.

In the absence of a five-year housing land supply the effect of these policies, which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. With no landscape impact, adverse impact on residential amenity, highway matters nor to surface water or foul drainage; the policy conflict with GD2 and DC17 is outweighed by the benefits of significant housing delivery.

Having regard to Paragraph 11(d) and Paragraph 177 of the NPPF February 2019 and the conclusions of the Appropriate Assessment, the presumption in favour of sustainable development is applicable to the application site.

The application accords with the three objectives of sustainable development: economic, social, and environmental. The development would bring economic benefits, delivering and supporting jobs on and off site. The economic benefits would also include associated benefits to other businesses in the area and supporting local services within the area. The proposals would help deliver much needed housing including affordable, custom, and self-build housing to meet housing requirements in the district and locally needed affordable homes thereby meeting the social role.

Members will also note the layout includes a playing pitch, further enhancing the sporting offer in Stone Cross and on the boundary of Eastbourne generally. There are also allotments included in the scheme.

It is considered that subject to appropriate layout and detailed design which would be determined through subsequent reserved matters application(s) and condition discharge; the development could provide a quality and locally distinctive environment.

Having regard to Paragraph 109 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal. The ESCC highway authority do not object to the application but have requested a package of highway work to be secured by conditions and legal agreement. This includes a contribution towards sustaining bus route and a travel plan.

There would be no material adverse impact on the amenity of both existing residents and prospective occupiers. Access to the proposed amenity areas within the development will be for both existing residents and new residents. The illustrative layout demonstrates legible and direct connections within and through the site including a strategic pedestrian and cycle route provided east-west through the sites, a series of recreational paths and cycleways around amenity areas, footways provided on both sides of the road network in the site. The public right of way which crosses the site can be safeguarded. Whilst highway issues are a source of objection, including from Eastbourne Borough Council, East Sussex Highway Authority have advised for some time now that the new access onto Pennine Way can be secured to required and appropriate standard. That subject to a comprehensive package of work, the development would not cause adverse impact on highway safety on the local or immediate highway network.

Ecological mitigation and enhancements will be provided within the site ensuring conservation status of protected species is maintained at a favourable status.

Significant comments are lodged regarding development of the site on land known to flood. Numerous photographs have been lodged showing parts of the site with standing water. This is a pre-development situation with little (or no) drainage in place. The developable area for housing lies within Flood Zone 1 and considers the climate change scenarios. The Environment Agency do not object. The proposal seeks to improve and better greenfield run off rates, including a betterment for climate change. The East Sussex Local Lead Flood Authority had requested detailed drainage modelling work (including of the Rattle Stream). That work has been undertaken and submitted and the County Council has withdrawn its objection.

Mitigation measures proposed for surface water drainage will ensure potential adverse impacts on the Pevensy Levels are avoided regarding water quality and quantity. There is a requirement to liaise with Natural England over any positively concluded Appropriate Assessment. Any positive resolution would be subject to the outcome of that process.

Southern Water has confirmed it can service the development site (subject to application for connection). The Police Crime Prevention Officer has not objected (though make some comments that would inform the Reserved Matters layout).

The scheme includes dedicated playing pitch, open space, and allotments. Whilst the fine details of these would not be known until Reserved Matters stage, the scheme includes a mixture of play, allotment, and formal pitch provision. Having regard to the above, the development therefore meets the environmental role of sustainable development in the NPPF.

Eastbourne Borough have raised objection with specific concerns about impacts on existing infrastructure and services. This is set out as a deficiency of what was the Submission Local Plan 2019 and failure of the duty to cooperate. Whilst that point was an integral criticism of the examining Inspector in the Plan, it is not considered to weigh against the application proposal. The development will be generating CIL payments which will provide revenue to the Council's evolving infrastructure fund that can then be utilised to assist in providing additional services for the area.

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the policies GD2 and DC17 of the 1998 Plan and SPO1 and WCS6 of the 2013 Core Strategy which, amongst other things, seek to direct new housing development to existing development boundaries as set out in the development plan.

However, for all the reasons set out, conflict with these policies should be given limited weight. As noted, the site was included in the now withdrawn 2019 development strategy for the District, as part of further planned development at Stone Cross. It has been the subject of extensive discussions with statutory consultees, including the County Council. At up to 250 dwellings, this is a considerable development for the District in terms of housing land supply, coupled with the associated benefits, including (but not

limited to) open space, market and affordable housing, together with custom and self-build plots in an area of unmet demand.

It is also the case the Council has supported growth beyond the 1998 development boundaries to deliver up to date housing need.

This is both local to the application site, but elsewhere in the District. In respect of this site, no technical impediment to development has been identified by any statutory consultee. Not on foul drainage, nor surface water nor about highway matters. In fact, the reverse applies here where the development will deliver enhancements to drainage compared to the current pre-development situation. It will also secure betterment to local transport options, including footpath/cycle enhancements, together with bus service provision.

Having regard to the planning balance and the considerations set out in the main body of the report, it is once again recommended that the application is APPROVED subject to resolution of the items listed at the beginning of the report and the completion of a legal agreement and the recommended conditions.

No comments have been received.