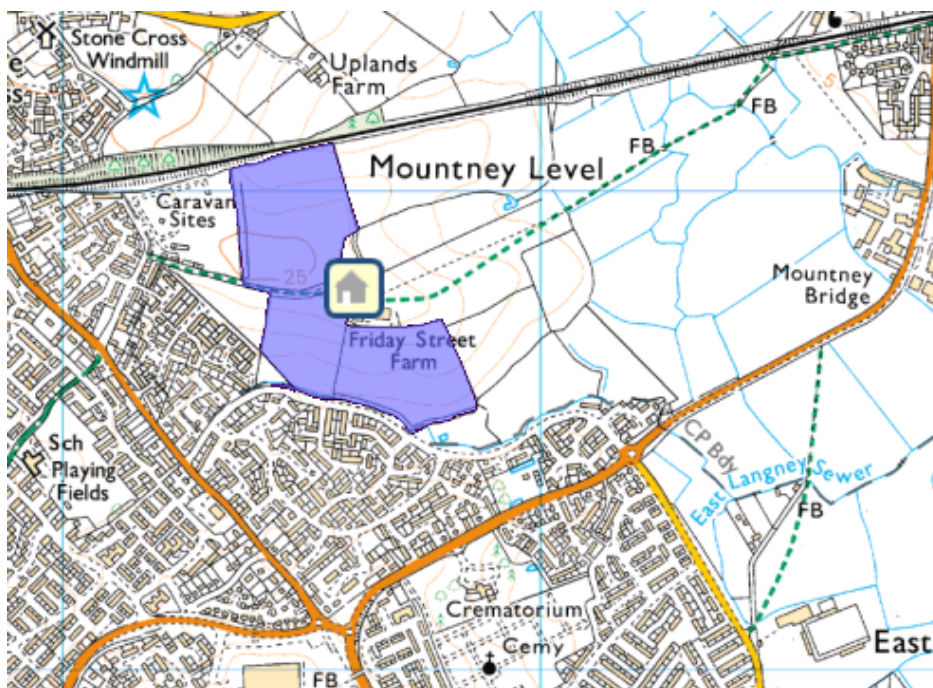


App.No: 190706	Decision Due Date: 9 December 2019	Ward: Langney
Officer: Anna Clare		Type: Outline (some reserved)
Site Notice(s) Expiry date: 24 October 2019 Neighbour Con Expiry: 29 November 2019 Press Notice(s):		
Over 8/13 week reason:		
Location: Land at Friday Street Farm, Stone Cross, East Sussex		
Proposal: : Outline application (Matter for approval: Access) for proposed new access from Penine 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/2019/1994/MAO).		
Applicant: Wates Developments Limited		
Recommendation: Refuse Outline Planning permission		
Contact Officer(s):	Name: Anna Clare Post title: Specialist Advisor - Planning E-mail: anna.clare@eastbourne.gov.uk Telephone number: 01323 4150000	



1 Executive Summary

- 1.1 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 assess nor mitigation secured.
- 1.2 Therefore it is recommended that outline consent for the new access is refused for the reasons set out in this report.

2 Relevant Planning Policies

- 2.1 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
- 2.2 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
- 2.3 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

3 Site Description

- 3.1 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.

- 3.2 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.
- 3.3 To the south of the application site is the section within the Eastbourne Borough Boundary. This amounts to part of Penine 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.
- 3.4 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 Relevant Planning History

4.1 No planning history within Eastbourne Borough Council

4.2 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 being in conflict with saved polices 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.

5 Proposed development

- 5.1 This is an outline planning application with all matters reserved except for access.
- 5.2 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.
- 5.3 Whilst the majority 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.
- 5.4 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.

6 Consultations

- 6.1 Specialist Advisor (Planning Policy) – Objection
 - 6.1.1 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.

- 6.1.2 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.
- 6.1.3 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.
- 6.1.4 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.

6.2 Councillor Alan Shuttleworth – Objection

- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 I am opposing the application due to
- Flooding problems
 - Effects on ecological and environmental nature of the area
 - Issues around wastewater treatment
 - Traffic impacts

6.3 ESCC Highways – Qualified comments –dependant on infrastructure improvements

- 6.3.1 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.

6.4 Lead Local Flood Authority – No objection

- 6.4.1 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.

6.4.2 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 was 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

7 Neighbour Representations

7.1 Objections were received from 46 surrounding address covering the following issues;

- Impacts of additional traffic on Penine 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

8 Appraisal

8.1 Principle of the Development

8.1.1 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.

8.1.2 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.

8.1.3 If it was 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.

8.1.4 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.

8.2 Highways Impacts

8.2.1 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.

8.2.2 Discussion with ESCC Highway Authority have been on going for some considerable time at pre-application stage. In light of that, the Highway Authority has provided a detailed and thorough 22 page assessment of highway matters. 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.

8.2.3 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).

8.2.4 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.

8.2.5 Given the above it is not considered that a reason for refusal based on highway impacts or safety could be justified.

8.3 Ecology

8.3.1 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.

8.3.2 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.

8.3.3 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.

8.3.4 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 with regard to nature conservation and biodiversity enhancement.

8.3.5 It is not considered that a reason for refusal based on ecological impacts could be sustained.

8.4 Drainage and Flooding

8.4.1 Whilst a number of 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 as a whole are dealt with under the wider development application within WDC area.

8.4.2 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.

8.4.3 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.

8.4.4 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 floodrisk 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.

8.5 Landscaping and visual impact

8.5.1 All matters other than access are 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.

8.5.2 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.

8.5.3 The proposal would undoubtedly be different and there would be impacts of the proposal as a whole when viewing the site from Penine 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.

9 **Human Rights Implications**

9.1 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 taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10 **Recommendation**

10.1 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.

10.2 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.

10.3 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.

10.4 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.

- 10.5 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;

Reason for refusal :-

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 in particular and the wider application in general cannot be assessed..

11 Appeal

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.