

## Delegated Officer Recommendation

**Case Officer:** SWO      **Date:** 03 October 2024  
**Consults Expiry:** 19 December 2023  
**Site Notice Expiry:** 9 August 2024  
**Advert Expiry:** 23 August 2024  
**Neighbour Expiry:**  
**Expiry Date:** 18 October 2024  
**Extension of Time:** 18 October 2024  
**BVPI Category:** Large scale Major

WD/2023/2473/MAJ

DEMOLITION OF EXISTING BUILDING AND ERECTION OF 14NO. RESIDENTIAL DWELLINGS, WITH ASSOCIATED INFRASTRUCTURE, SITE ENTRANCE FEATURE AND LANDSCAPING (Amended description)

1 SOUTHVIEW CLOSE, CROWBOROUGH, TN6 1HH

Parish: Crowborough

LB ref:

Received Complete: 6 November 2023

Cons Area:

## Recommendation - Adjournment (Legal Agreement)

**Case Officer**      **Initials**       **Date**

**Pre-commencement conditions agreed with applicant?**       ✓ (tick)

**CIL Liability checked by Officer**      **Initials**       **Date**

**CIL Liable**       Yes       No

**CIL Exemption Claimed**       Yes       No

**Team Leader/Senior**      **Initials**       **Date**

**Authority to Delegate Required?**            **Date**

**Fields filled in on Custom screen on Datawright?**       ✓ (tick)

Admin

**Decision notice checked**      **Initials**       **Date**

**CIL Liability Notice Issued**                  **Date**

**Reason CIL Notice Not Issued:**

- Less than 100 m<sup>2</sup>
- Not Residential
- No increase in floor area
- Other:

1. The development to which this permission relates shall be begun not later than the expiration of 18 months beginning with the date on which this permission is granted.

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, nos.

Site Location Plan - LPO1, P1 - date stamped 15/07/2024  
Nolli Map - 787, P1 - date stamped 15/07/2024  
Proposed Site Plan - PL39, P5 - date stamped 27/09/2024  
Proposed Site Plan - PL40, P6 - date stamped 27/09/2024  
Proposed Site Plan - PL41, P3 - date stamped 22/08/2024  
Block Plans - PL42, P2 - date stamped 15/07/2024  
Unit 01, 02 Plans and Elevations - PL43, P2 - date stamped 22/08/2024  
Unit 03 Plans and Elevations - PL44, P2 - date stamped 22/08/2024  
Unit 04 Plans and Elevations - PL45, P2 - date stamped 22/08/2024  
Unit 05-06 Plans and Elevations -- PL46, P2 - date stamped 22/08/2024  
Uit 07-08 Plans and Elevations - PL47, P2 - date stamped 22/08/2024  
Unit 09-10, 11-15 Plans and Elevations - PL48, P2 - date stamped 22/08/2024  
Unit 13 Plans and Elevations - PL49, P2 - date stamped 22/08/2024  
Unit 14 Plans and Elevations - PL50, P2 - date stamped 22/08/2024  
Site Sections - PL51, P2 - date stamped 22/08/2024  
Site Entrance Details - PL52, P1 - date stamped 15/07/2024  
Fencing Details - PL54, P1 - date stamped 27/09/2024

REASON: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. No work below ground level shall be carried out on site for the development hereby approved, until full written details for a Code of Construction Practice has been submitted and approved in writing by the Local Planning Authority. The Code of Construction Practice should detail good practice measures for site working to mitigate potential impacts from construction including protection of retained features and surface water bodies on or adjacent to the site, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing, hours of work, wheel washing facilities, sheeting of lorries during transportation of construction materials, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site.

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR3 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

4. Construction of development shall not commence until details of the proposed means of foul and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system.

The detailed drainage design referred to above shall include:

- Detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features
- Hydraulic calculations - these should take into account the connectivity of the different surface water drainage features
- The outfall of the proposed attenuation storage and how it connects into the sewer. This should include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- Evidence that Southern Water have agreed the principle, rate and point of discharge of the site's surface water into the existing foul sewage network
- Details of, and evidence that, the existing foul and surface water systems serving the present properties in Southview Close will not be compromised by the new development

The detailed design must be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. Alternatively, or if this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

Surface water discharge rates must not exceed equivalent greenfield runoff rates for all critical rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence.

The condition of the sewer which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the sewer should be carried out to the satisfaction of the asset owner.

REASON: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to the guidance set out in the National Planning Practice Guidance and at paragraphs 163 and 165 of the NPPF and any local plan policies where appropriate according to the local planning authority, for example WCS14 of CSLP, saved Policy CS2 of the Wealden Local Plan.

5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
  - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
  - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

6. Prior to the commencement of development, the applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

7. Prior to occupation of the development, evidence (including surveys, as built plans, site records and photographs as necessary) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

8. The development shall not be occupied until the parking area has been provided in accordance with the approved plans reference PL39 RevP2 which has been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] shall thereafter be retained for that use.

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR16 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

9. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls or fences).

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR16 of the Wealden Local Plan 1998; coupled with the requirements of paragraphs 114 and 116 of the National Planning Policy Framework.

10. Details for the provision of cycle storage in accordance with East Sussex County Council's adopted standards shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.

REASON: To provide for alternative modes of transport, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR16 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

11. Prior to the erection of the dwellings hereby approved, written details of proposed sustainability measures within the development, which shall be in general accordance with the principles set out within the submitted Energy Statement - Rev P03 (Jones King, October 2023), date stamped 23 October 2023, shall be submitted to and agreed in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

REASON: To promote sustainable building design, having regard to Spatial Planning Objectives SPO9 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN1 of the Wealden Local Plan 1998; Chapter 4 of the Wealden Design Guide 2008; coupled with the requirements of the National Planning Policy Framework.

12. Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing above ground level for the approved development. Each dwelling should have adequate storage for 1 x 180 litre refuse bins and 1 x 240 litre recycling bin. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use.

REASON: To preserve the residential and visual amenities of the locality, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

13. Prior to works below ground level an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report

of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- \* human health
- \* property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
- \* adjoining land
- \* groundwaters and surface waters
- \* ecological systems
- \* archaeological sites and ancient monuments;

(iii) an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) web pages <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

14. Prior to works below ground level a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and coupled with the requirements of the National Planning Policy Framework.

15. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The

Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and coupled with the requirements of the National Planning Policy Framework.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 13 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 15.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

17. Prior to commencement of development, a report shall be submitted in writing for approval to the Local Authority, showing that the costs of air quality mitigation methods integrated into the development shall match or exceed the combined air quality damage cost calculation of £6056, and development undertaken in accordance with these details.

REASON: In order to secure a satisfactory standard of development having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; and Saved Policy EN27 of the Wealden Local Plan 1998.

18. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To preserve the rural and residential amenities of the locality having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN6/EN8 (delete as applicable), EN27 and EN29 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

19. Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, together with mitigation measures, in accordance with the following submitted reports, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority.

- Preliminary Ecological Appraisal (Corylus Ecology, September 2023)
- Ecological Impact Assessment – Rev 1 (Corylus Ecology, July 2024)
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (PJC, July 2024)

The approved scheme of enhancements and mitigation measures shall be implemented in accordance with the approved details and thereafter so retained.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

20. Before commencement of the development hereby approved, details of the form and position of fencing, which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, for the protection of those trees, shrubs and natural features not scheduled for removal shall be submitted to and be to the written approval of the Local Planning Authority, and such fencing shall be erected in the positions approved before the development is commenced and thereafter retained until such completion of the development, to the approval of the Local Planning Authority.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of the National Planning Policy Framework.

21. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority, other than those set out in the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, document ref PJC/6335/23/01 Rev 02. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-



- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
- (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
- (iv). No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
- (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of the National Planning Policy Framework.

22. Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN14 and EN27 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

23. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, types, forms and proposed numbers/densities, mostly comprising native species; an implementation programme; and a timescale. All of this shall be agreed in writing by the Local Planning Authority prior to commencement of development above ground and thereafter so implemented.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN14 and EN27 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

24. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A and B inclusive of that Order, shall be erected or undertaken on the site.

REASON: To enable the Local Planning Authority to regulate and control the development of land and to protect the residential and visual amenities of the locality having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

25. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

26. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [Arch 1] to the written satisfaction of the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

27. NOTE: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

28. NOTE: Attention should be given to non-statutory technical standards for sustainable drainage systems, the ESCC "Guide to Sustainable Drainage Systems in East Sussex" and the total costs of implementing the drainage scheme, that is design, construction and maintenance costs.
29. NOTE: This Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
30. NOTE: The applicant is reminded that it is their responsibility to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.
31. NOTE: The applicant is advised that a suitable asbestos survey of the property will be carried out prior to demolition. This survey may be requested to confirm that all potential sources of contamination have been removed safely from site.
32. NOTE: The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wealden District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because it relates to one of the statutory exemptions. In this case, the application was submitted prior to Biodiversity Net Gain becoming mandatory.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

## **Recommendation**

The application is recommended for:

- a) APPROVAL, subject to completion of a legal agreement to secure:

**Section 278 works to secure bus stop improvement works as follows:**

#### Southview Road- Unmarked Bus Stop

- One metre built out to offer sufficient standing for passengers and wheelchair access space.
- A raised kerb and bus stop (sourced from 'Externiture')

#### United Church Stops (Croft Road)

- Raised kerbs.
- Bus stop clearway markings
- Real time information signs and real time information signs.

And;

#### **A financial contributions towards SANG and SAMM mitigation in a timely manner**

And;

#### **A financial contribution to the provision of off-site affordable housing**

And;

#### **s106 Registration and Monitoring Fees (10 – 50 dwellings units)**

- b) that in the event of being unable to secure a completed legal agreement securing the above within a timescale considered reasonable then the application be REFUSED for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they could secure the proper provision and delivery of the necessary infrastructure improvements to meet the additional demands generated by the proposed development, to provide a contribution to the provision of off-site affordable housing; and to ensure there would be no adverse impacts on highway and pedestrian safety, and the Ashdown Forest SPA. Therefore, the proposal is considered contrary to saved Policies EN1, EN7 and EN15 of the Wealden Local Plan 1998 and Strategic Objective 7 and Policy WCS12 of the Wealden District Core Strategy Local Plan 2013.

#### **Site Description**

The site comprises a former resource centre which has been redundant for some time. It is 0.55ha in size and sited within the urban confines of Crowborough, within the defined development boundary.

The site is located within 7km of the Ashdown Forest SPA and SAC and contains a number of trees subject to a Tree Preservation Order (TPO). There are no other planning or environmental designations that cover the site, nor are there are listed buildings or heritage assets within the vicinity of the site. The site lies within Flood Zone 1 which has a very low risk of flooding.

The site is accessed from Southview Road and is approximately 0.7 miles south of the town centre. The site benefits from being located within close proximity to a range of other local

services and facilities, located just 150-300m from a number of bus stops as well as Crowborough Railway Station being located 2 miles away.

The Wealden Core Strategy 2013 identifies Crowborough as a District Centre. District Centres are defined as:

“An accessible settlement by road and public transport containing a range of shops, employment opportunities and facilities including secondary school, not reliant upon other centres within the District to meet day to day needs, but requires support from other secondary or primary centres to meet the needs of residents.”

## **Relevant Planning History**

[Full planning history available on the Council's website]

There is no relevant planning history on the site pertinent to the determination of this application. However, pre-application advice was sought prior to the submission of this application.

## **Constraints**

The application site is:

- Located inside the defined development boundary for Crowborough
- Incorporates trees covered by Tree Preservation Order (TPO) No. 5, 1998
- Within the 7km Zone of Influence of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

## **Policy Framework**

The up-to-date approved 'development plan' for Wealden District Council comprises the following documents:

- Wealden District Council Core Strategy Local Plan 2013.
- Wealden Local Plan 1998 (Saved Policies via Direction of the Secretary of State, dated 25 September 2007).
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017.
- Wealden District Council Affordable Housing Delivery Local Plan 2016.
- Wealden Design Guide 2008 (Supplementary Planning Document).
- Herstmonceux Neighbourhood Plan 2019.
- Hailsham Neighbourhood Plan 2021.
- Hellingly Neighbourhood Plan 2021
- Wadhurst Neighbourhood Plan 2024

The Council is proposing a new Local Plan for the period to 2040. Consultation on the Plan ran from 17:00 Friday 15th March 2024 to 17:00 on Friday 10th May 2024. In line with paragraph 48 (and, but not limited to 226) of the NPPF, Local Planning Authorities may give weight to emerging policies in the circumstances set out by Government. If weight is to be

afforded to any emerging policies then the requirements of paragraph 48 would be fully set out and explained.

#### Other relevant policies and guidance

- National Planning Policy Framework ('the Framework').
- National Planning Practice Guidance (NPPG).
- National Design Guide.

#### Relevant local policies and guidance

- Saved Policies GD1, EN1, EN7, EN12, EN14, EN15, EN27, EN29, HG5, HG7, TR3, TR16 and CS2 of the Wealden Local Plan 1998 ('the Local Plan').
- Spatial Planning Objectives 1, 2, 7, 9, 12, 13 and 14 and Policies WCS12 and WCS14 of the Wealden District Core Strategy Local Plan 2013 ('the Core Strategy').
- Chapters, 3, 4 and 7 of the Wealden Design Guide 2008 ('the Design Guide').

### **EIA Assessment**

The development proposal falls within the description at 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). It is the opinion of the Council, having taken into account the criteria in Schedule 3 of the EIA Regulations, the proposal would not be likely to have a significant effect on the environment for the following reasons:

The proposed development falls within a 'sensitive area' as defined by Regulation 2 of the EIA Regulations, namely:

Within the 7km Zone of Influence of the following designated sites:

- Ashdown Forest SAC and SPA.

Considering the nature, scale and location of the proposed development and nature of the receiving environment, the proposal would not be of a scale and nature likely to result in significant environmental impact in terms of EIA. The threshold criteria at 10(b) of Schedule 2 to the EIA Regulations are also not exceeded.

Accordingly, the Council conclude that the proposal is not EIA development.

### **Consultation Responses**

Below sets out a précis of the consultation responses received. The comments can be viewed in full on the Council's website.

#### Natural England

#### ***Initial consultation response (received 27 November 2023) – no objection subject to Habitats Regulations Assessment***

OFFICER NOTE: Natural England will be further consulted further to resolution to approve on this matter as per normal procedure.

Sussex Police

***Initial consultation response (received 30 November 2023) - comments***

No concerns regarding the site's location. Recommend additional measures to be incorporated into the design to mitigate against crime trends – vulnerable rear garden paths and accessways/gating between dwellings.

***Second consultation response (received 1 May 2024) – no objection***

New design and layout overcomes concern regarding vulnerable rear garden footpaths.

***Third consultation response (received 22 July 2024) – no objection***

Note the layout of the development is now at a lower density, which has removed concerns regarding vulnerable rear garden footpaths and accessways between dwellings leading to rear gardens.

East Sussex Fire and Rescue Service

***Initial consultation response (received 16 November 2023) – no objection***

Require informative to be added to advise the developer of their obligation to ensure sufficient water is available for firefighting.

***Second consultation response (received 19 July 2024) – no objection***

As above.

Southern Water

***Initial consultation response (received 1 December 2023) – no objection subject to the imposition of conditions***

Confirm that Southern Water can facilitate foul sewerage and surface water disposal to the existing system. Require a formal application for connection to be made.

***Second consultation response (received 22 May 2024) - no objection subject to the imposition of conditions***

Require the imposition of a drainage condition to agree discharge rates, discharge points and volumes to be agreed.

NHS Property Services

***Initial consultation response (received 19 December 2023) - no objection subject to the imposition of conditions***

Supportive of development that makes the best use of land. Require safe access available for the hospital use at all times. Raise concerns regarding the parking layout. Suggest

Construction Management Plan be submitted, and are supportive of bus stop improvement works.

OFFICER NOTE: The parking layout has since been revised, leading to no objection from the Highway Authority. A Construction Management Plan will be secured by condition (Condition 3)

#### Upper Medway Internal Drainage Board

##### ***Initial consultation response (received 22 November 2023) – comments received***

Note there is potential conflict with the planning system and their own regulatory procedure. State that if land drainage consents are required, these need to be sought prior to determination of the planning application.

OFFICER NOTE: Such consents are not required in this instance.

#### East Sussex County Council (Highways)

##### ***Initial consultation response (received 10 November 2023) – Objection***

Objection due to unacceptable parking layout.

##### ***Second consultation response (received 9 May 2024) – no objection subject to the imposition of conditions and S106 legal agreement***

Revised parking arrangement is now considered acceptable.

##### ***Third consultation response (received 23 July 2024) – no objection subject to imposition of conditions and S106 legal agreement***

Note that ESCC parking calculator would require 29 spaces, whilst only 24 are provided. However, due to sustainability of the location and that bus stop improvements will be secured as part of the development, together with an acceptable parking arrangement and the fact that Southview Close is a private road, an objection on this basis could not be justified. Furthermore, car ownership in this location is low.

#### East Sussex County Council (SUDs)

##### ***Initial consultation response (received 5 December 2023) – Objection***

Submitted drainage strategy requires revision. Agree that connection to existing surface water sewer is appropriate.

##### ***Second consultation response (received 30 April 2024) – objection***

Revised drainage strategy has not fully addressed concerns.

##### ***Third consultation response (received 4 June 2024) – objection***

Additional information still does not address concerns raised in some areas.



***Fourth consultation response (received 29 July 2024) – no objection***

Revised drainage statement (Issue 4, dated 16 July 2024 satisfactorily addresses remaining concerns.

East Sussex County Council (Archaeology)

***Initial consultation response (received 18 December 2023) – objection***

Insufficient information submitted to determine impacts on archaeological assets.

***Second consultation response (received 16 September 2023) – no objection subject to the imposition of conditions***

Consider that the information provided is satisfactory and whilst it identifies that there is a risk that archaeological remains will be damaged, this can be mitigated by the application of planning conditions. (Conditions 25 and 26).

Wealden District Council (Housing)

***Final consultation response (received 17 September) – no objection subject to securing affordable housing contribution***

Accept that Vacant Building Credit applies to this development, and as such require the required affordable housing contribution.

Wealden District Council (Drainage)

***Initial consultation response (received 4 December 2023) – no objection subject to the imposition of conditions***

Accept conclusions of drainage strategy, but require detail to be submitted as part of a pre-commencement condition.

***Second consultation response (received 9 May 2024) – no objection subject to the imposition of conditions***

As above.

Wealden District Council (Waste Management)

***Initial consultation response (received 8 May 2024) - no objection subject to the imposition of conditions***

Swept path analysis shows that the main access roads are suitable for a collection vehicle. Note that there are no details of bin collection points.

OFFICER NOTE: Details of bin storage can be secured by the imposition of conditions (condition 12). Also note that existing waste collection arrangements are in place for other properties in Southview Close.

Wealden District Council (Pollution Control)

***Initial consultation response (received 30 January 2024) no objection subject to the imposition of conditions***

Note the contents of the submitted Phase 1 Desk Study (Contaminated Land) and Air Quality Assessment and suggest conditions to ensure any form of mitigation required is adhered to. (Conditions 13-17)

Wealden District Council (Arboriculture and Biodiversity)

***Initial consultation response (received 21 November 2023) – objection***

Note the Tree Preservation Order along the eastern boundary represents a significant constraint to the site. Overall the initially submitted layout would put future pressure on both the TPO and other trees within the site.

OFFICER NOTE: The site layout has since been amended to eliminate pressure on all trees – see Arboricultural section in report, below.

Crowborough Town Council

***Initial consultation response (received 11 December 2023) – objection***

Proposed development represents overdevelopment of the site, and design is out of keeping with surrounding residential properties, with height of dwellings providing for an overbearing effect. Presence of trees limit external amenity space and do not consider Biodiversity Net Gain can be achieved. Recommend 8 dwellings as a maximum. Parking arrangements also cause concern on highways safety.

***Second consultation response (received 14 May 2024) – objection***

Proposed development represents overdevelopment of the site, and design is out of keeping with surrounding residential properties, with height of dwellings providing for an overbearing effect. Presence of trees limit external amenity space and do not consider Biodiversity Net Gain can be achieved. Recommend 8 dwellings as a maximum. Parking arrangements also cause concern on highways safety.

***Third consultation response (received 14 August 2024) – objection***

Acknowledge the reduction in number of units but remain concerned that this is still overdevelopment of the site, together with small plot sizes, inadequate parking, lack of amenity space, risk to pedestrians, overshadowing and loss of privacy from 2.5 storey dwellings. Do not consider Biodiversity Net Gain can be achieved, and pressure on hospital parking, turning areas and emergency vehicle access.

Response to Town/Parish Council:

As detailed fully within this report, the development of the site for 14 dwellings represents a density of 25 dwellings per hectare, which is not unreasonable in this sustainable location, making efficient use of land. The Highway Authority are supportive of the development and do not consider an objection on highway grounds can be justified. Amenity space on the whole meets required standards and Biodiversity Net Gain can be suitably accommodated

on site. The design of the dwellings has now been amended and it is considered that the development makes an acceptable addition to the streetscene.

## **Neighbour notifications**

50 letters of objection were received in response to the various revisions of the scheme. Please note that some of these were multiple submissions from the same individuals/households. A summary of the concerns raised is as follows:

- Failure to consider sunlight/daylight
- Overlooking and loss of privacy to properties existing in Southview Road
- Represents back land development
- Dwellings will harm the character and appearance of the area
- Overdevelopment of the site/density too high
- Increased noise pollution from additional residents
- Undersized gardens
- House types/sizes not in keeping with area/dwellings too high
- Will put additional pressure on hospital
- Highway safety concerns/additional traffic and congestion
- Poor road layout
- New planting will cause shading to neighbours
- Loss of too many trees
- No capacity in system for drainage/surface water run off concerns
- Loss of greenspace
- Parking provision is insufficient
- Inappropriate parking behaviours
- Access is too narrow
- Materials out of keeping
- Insufficient space for wheelie bins
- No right of ownership of land
- Concerns with justification for non-viability
- Harm to ecological value of the site

## **Assessment**

### Proposal

The application proposes 14 new dwellings on a former Resource Centre site within the defined development boundary for Crowborough. The proposed development will comprise:

- 3 x 2 bedroom bungalows
- 6 x 3 bedroom semi-detached houses
- 3 x 4 bedroom detached houses
- 2 x 4 bedroom semi-detached houses

Each dwelling will have its own dedicated parking space, with an additional 7 unallocated spaces, 3 visitor spaces and 2 electric charging points.

Materials are comprise a mixture of dark buff or red brick with tile hanging, and red/brown plain clay tiles on the roof. Soldier coursing and brick coins vary within the site.

An open garden amenity area comprising 725sqm of space is provided in the eastern portion of the site.

The scheme has been significantly amended since its first submission due to concerns regarding overdevelopment, design, layout and impact on trees and ecology. The number of dwellings approved has been reduced from 19 down to 14 in order to overcome these concerns.

The application is supported by the following documents:

- Drainage Strategy – Issue 4 (Herrington, July 2024)
- Financial Viability Assessment (DHA, July 2024)
- Preliminary Ecological Appraisal (Corylus Ecology, September 2023)
- Ecological Impact Assessment – Rev 1 (Corylus Ecology, July 2024)
- Biodiversity Net Gain Report and Metric (Corylus Ecology, July 2024)
- Schedule of Accommodation – Rev P7 (Ubique, July 2024)
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (PJC, July 2024)
- Transport Statement (DHA, July 2024)
- Planning Statement and Addendum (DHA, May 2024)
- Phase 1 Desk Study (Lustre, September 2023)
- Air Quality Assessment (SLR, September 2023)
- Heritage and Archaeology Statement (Kent Archaeological Projects, May 2024)
- Energy Statement – Rev P03 (Jones King, October 2023)

#### Principle of Development/Policy Position

The site lies within the development boundary for Crowborough as identified in the adopted Wealden Local Plan (1998), where applications for new development are generally supported subject to compliance with other policies and proposals in the Plan (saved Policy GD1).

Policies EN12 and EN14 of the Wealden Local Plan 1998 in turn seek to retain and enhance the contribution of trees and woodland areas, including the amenity value of trees in built up areas, and require landscaping schemes to be carried out as part of development proposals.

Policy EN27 focuses on layout and design, requiring the scale, form, site coverage, density and design of development to respect the character of adjoining development and promote local distinctiveness. There should not be an unacceptable impact on the amenity of adjoining or future residents, and regard is paid to crime prevention measures. Strategic Objective SPO14 seeks to maximise the use of previously developed land wherever possible.

Policy HG5 seeks to ensure a mix of dwelling type and sizes are provided. Policy TR3 seeks to ensure that new development does not create or perpetuate unacceptable traffic conditions, and that satisfactory means of access is provided. Paragraph 115 of the NPPF is clear that development should only be refused on highway grounds if there will be an unacceptable impact on highway safety, or if the residual cumulative impact on the road network would be severe.

Paragraph 66 of the NPPF and Policy AFH1 of the Affordable Housing Delivery Local Plan require major developments to provide affordable housing either on site, or secured through a commuted sum for delivery elsewhere.

Paragraph 123 of the NPPF requires decision making to promote effective use of land in meeting the need for homes and other uses, in a way that makes as much use as possible of previously developed or 'brownfield' land. Furthermore, Paragraph 124 c) requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

### Housing Land Supply

Paragraph 77 of the NPPF requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 of the NPPF apply.

Paragraph 226 of the NPPF sets out criteria where, for a period of two years from the date of publication of the NPPF published on 19 December 2023, an authority only needs, for the purposes of decision-making, to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable) against either its housing requirement figure or as in the case of the Council, against local housing need as the strategic policies are more than five years old instead of a minimum of five years as set out Paragraph 77 as appropriate.

On the 15 March 2024, the Council launched its public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012) on the draft Local Plan. As required by paragraph 226 of the NPPF, this emerging plan includes both a policies map and proposed allocations towards meeting identified housing need. From this date, in accordance with the terms of paragraph 226 of the NPPF, until December 2025, the Council is required to demonstrate a four-year supply of housing land, not the normal five-year housing supply requirement.

The Council's Housing Land Supply (HLS) position statement provides the current position in relation to the Council's housing requirement and land supply, including the housing land supply position as of 1 April 2024 under the current National Planning Policy Framework (NPPF) (December 2023). As of 1 April 2024, there are 6,328 (net) dwellings on identified sites that are considered available, suitable and available now for the five-year period, which is some 788 (net) dwellings less than the 7,116 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to a supply of 4.45 years. The Council has a 4-year housing land supply requirement in line with paragraphs 77 and 226 of the NPPF.

The Government published a new NPPF for consultation in July 2024 that proposes to remove paragraph 226 of the NPPF and to re-establish the requirement for all local planning authorities, regardless of local plan status, to continually demonstrate a five-year housing land supply position. The new NPPF is only emerging policy at this stage and therefore for the purposes of considering this application the provisions of paragraphs 77 and 226 of the December NPPF still apply.

### Housing Mix and Housing Density

The application proposes a mix of 2, 3 and 4 bedroom homes in the form of bungalows, semi-detached and detached dwellings. It is considered this is an appropriate mix, taking account of the types of properties in the immediate vicinity and the current need for smaller homes in the district for affordability reasons. The provision of bungalows is also welcomed. Policy HG5 of the Wealden Local Plan seeks to provide a mix of dwelling types and sizes for development, and is therefore complied with in this respect.

Strategic Objective 14 of the Wealden Core Strategy 2013 seeks to make the most efficient use of previously developed land, to which this application relates. Similarly, paragraph 128 requires decision making to support development that makes efficient use of land, taking account of, amongst other things, the availability and capacity of infrastructure and services, as well as their potential for further improvement and the scope to promote sustainable travel modes.

The site itself measures 0.55 hectares in area, and for the scheme of 14 dwellings, this equates to a density of just 25 dwellings per hectare, which is still relatively low in urban locations such as this. This is quite a significant reduction when compared to the originally submitted scheme, which would have resulted in a density of 35 dwellings per hectare. It is acknowledged that the Council's Strategic Housing Employment Land Availability Assessment (SHELAA) incorporated a general figure of 8 dwellings on the site, but it is important to note, that was based only on the submission at the time, and does not hold any weight. The purpose of the SHELAA is to ascertain the principle of development on a particular site only, and any further schemes are subject to the formal planning application process. In this case, the site is located in a sustainable location, and the scheme itself is providing improvements to the sustainable transport network. The site's redevelopment will make the most efficient use of land, whilst still providing for a good living environment, and as such, is considered to meet the requirements of both Strategic Objective 14 of the Core Strategy, and paragraph 128 of the NPPF.

#### Design and Impact upon Visual Amenity, Character of the Area and Landscape

The application site is located in a mixed use area, characterised by residential dwellings to the east and north, with a hospital to the south. The site in its current form is non-descript with limited architectural quality and has clearly been redundant for some time.

The application has been significantly revised since its original submission, responding to both officer and resident concerns regarding, design, appearance and layout. Each dwelling proposed has some variance in appearance, with more recent changes to the hierarchical appearance of windows and amended porch formations to improve its appearance. Dormer windows have been removed from the original submission in response to neighbour concerns and also with a view to reducing the bulk of the roofs. All dwellings face out onto the road or the vehicle manoeuvring areas creating good active frontage and clear levels of surveillance across the street layout. It is acknowledged that the proposed dwellings do not replicate those that exist, but their design is considered acceptable in such an urban location with varying house types and types of materials used in the surrounding area. The recent amendments to the appearance of the dwellings have not been subject to further public consultation as they represent a significant improvement to the scheme and do not prejudice the acceptability of the scheme, and do not impact on the amenity of neighbouring or future occupiers.



*Fig 1: CGI image of streetscene*

Concern has been raised by residents and the Parish Council that terraced dwellings and the dwellings of 2.5 storeys in height is out of keeping with the surrounding area and will have an overbearing effect, contributing to loss of privacy for existing residents. To clarify, no terraces are proposed in this final scheme. The scheme comprises a mix of semi-detached and detached houses only, which is wholly in keeping with the character of the surrounding area.

In terms of the height of the dwellings, the dwellings are only 2 storeys in height, with dormers removed from the scheme. Upper floor rooms will be served by velux windows only. In addition, it is important to re-iterate that bungalows only are proposed in the location which would have the most impact on neighbouring residents, the southernmost dwellings that back on to properties fronting Southview Road.

The density of development, as explained above, is considered appropriate for this urban location, making the most efficient use of previously developed land, balancing the constraints of the site and the need to ensure adequate soft landscaping in front of properties to soften its appearance, in accordance with local policy and the requirements of the NPPF.

Therefore, it is considered that in accordance with the requirements of Policy EN27 of the Wealden Local Plan 1998, it is considered that the scale, form, site coverage and design of the development is appropriate for this location.

### Impact on heritage assets

There are no designated heritage assets close to, or within the vicinity of the site. However, the site does have some archaeological interest due to its location in a landscape with evidence of past human activity from the prehistoric period onwards. Very little controlled archaeological fieldwork has been carried out in the vicinity of the site, although the findspot of a Bronze Age axe and reference to a possible prehistoric ridgeway route suggests the possibility of evidence for at least transient activity of prehistoric date in the vicinity of the site. Similarly, there are reference in the Domesday survey to medieval occupation in the vicinity of the site, though the exact location of any such settlement remains uncertain. The majority of sites recorded in the Historic Environment record within a 1km radius are post-medieval in date, reflecting the dramatic growth in settlement during the course of the period.

It is acknowledged that the large building already in situ would have likely destroyed archaeological remains within its footprint, although any further groundworks beyond this footprint could have the potential to expose any outstanding remains. Therefore, any proposals will need to be subject to a programme of archaeological works, in accordance with an approved written scheme of investigation. This can be secured through the imposition of Conditions 25 and 26.

## Residential Amenities

### **Internal floor space**

Each of the dwellings proposed provide adequate internal space for future occupiers, exceeding minimum standards as set out in the government publication “Technical housing standards – nationally described space standard, March 2015).

### **External amenity space**

The Wealden Design Guide 2008 recommends that family dwellings (3 or more bedrooms) comprise a guideline area of 100sqm of garden space, with smaller dwellings 50sqm. All dwellings should generally meet or exceed 10m of garden length.

In this case, plots 5-7 and 11 fall marginally short of the area requirements. All gardens for family dwellings do however, meet the 10m in length requirements. It is considered that given the adequate garden lengths, taken together with the provision of 750sqm of open garden amenity space for communal use, it is considered that future occupiers will have sufficient access to external amenity space in accordance with the requirements of Policy EN27 and the Wealden Design Guide.

### **Other amenity issues**

Following amendments to the layout and the reduction in density of development, concerns from a Secured by Design perspective are now removed regarding the initial vulnerable rear garden footpaths and accessways between dwellings leading to rear gardens.

Concern has been raised regarding the impact of the development (plots 1-3 in particular) on the amenity of existing residents of Meadway and Meeching, which front Southview Road. Meadway in particular has a relatively limited garden length. As originally submitted, the application proposed a 2.5 storey dwelling adjacent to this boundary, which would have resulted in exiting residents of Meadway being negatively affected in terms of outlook, given that they would have been looking out at quite a high and significant, bland, side elevation. These concerns were fully taken on board and the scheme amended to move plot 1 northwards, away from the boundary, with plots 1-3 all being reduced in scale and height to be bungalows only. As a result, it is now considered that there will not be an unacceptable impact on residents of Meadway or Meeching in terms of the development being overbearing or resulting in poor outlook, in accordance with Policy EN27.

Elsewhere within the development, the layout is arranged to ensure active frontages and whilst windows are in the side elevations of plots 4 and 14, which face towards existing properties in Southview Close, this is necessary to ensure there are no blank elevations where dwellings turn a corner, improving the character of the streetscene. Furthermore, dwellings facing each other, separated by access, is not uncommon in residential areas and



should not be a reason for refusal. Permitted development rights however, will be removed, in order to ensure any future alterations to the properties will not cause an adverse impact on neighbouring occupiers, secured by the imposition of Condition 24.

Overall, it is considered that the development has been designed so as not to adversely impact on existing or future residential occupiers in terms of loss of light, privacy, overlooking or being overbearing, in accordance with the requirements of Policy EN27 of the Wealden Local Plan 1998.

### **Construction traffic and amenity**

Due to the scale of development proposed and that construction vehicles will need to enter the site from a classified road, careful management of construction traffic will be required in order to protect the amenities of neighbouring residents. This can be secured by the imposition of Condition 3, requiring a Construction Traffic Management Plan to be submitted prior to the commencement of development.

### Access, Parking and Highways

#### **Sustainability**

The site is relatively well connected to public transport with the nearest bus stops located approximately 225m to the east of the site on Croft Road. Crowborough Train Station which runs frequent northbound services to Brighton and Tunbridge Wells is however, located some 2km away, although bus services run half hourly Monday- Saturday close by.

Despite this, the Highway Authority have identified improvements to sustainable transport modes in order to make the development acceptable. Therefore, should permission be resolved to be approved, the following will be secured through a S278 Agreement with the Highway Authority to secure bus stop improvement works, as set out in a Section 106 Legal Agreement as follows:

#### Southview Road - Unmarked Bus Stop

- One metre built out to offer sufficient standing for passengers and wheelchair access space.
- A raised kerb and bus stop (sourced from 'Externiture')

#### United Church Stops (Croft Road)

- Raised kerbs.
- Bus stop clearway markings
- Real time information signs and real time information signs.

Should these improvements be secured, and taken together with the fact that the site is considered a sustainable location, within the defined development boundary for Crowborough. Its location, accessible to key local services will reduce the need to travel by car, in accordance with Strategic Objective SPO7 as set out in the Wealden Core Strategy 2013.

#### **Access**

The development site is accessed from Southview Close, a private road that connects to the main highway at Southview Road. Southview Close is wide enough to accommodate 2-way traffic flows, and requires 2.4 x 43m visibility splays, which can be easily achieved.

### **Parking provision**

Throughout the course of the application the car parking layout has been amended several times to ensure the parking provision is user friendly and does not lead to inappropriate parking within the site or conflict with pedestrians and/or emergency/refuse vehicles. Vehicles can now manoeuvre within the site to egress in a forward gear from all spaces in a more convenient manner. Concern is raised from residents regarding parking behaviours of both existing and proposed users. Whilst it is acknowledged that the parking provision in any scheme is a material consideration (considered in this section), the behaviours of users and whether they park sensibly or adequately look prior to proceeding is outside of planning control.

Whilst the Highway Authority note there is a slight under provision of parking provided, given the sustainable location of the site, taken together with low car ownership in the area, this is not considered to provide sufficient justification for refusal. In addition, due to the nature of the existing road (being narrow with a number of existing accesses served from it) the risk of on-street parking outside of the development site, that would lead to a highway safety concern is minimal. As with any application, the balance between providing sufficient car parking, and soft landscaping is balanced, however, in this instance the Council are of the opinion that due to the sustainable nature of the site, it would be preferable to see the level of landscaping shown. For this reason, the parking provision is considered acceptable.

In terms of cycle parking, there is satisfactory space for this to be accommodated on plot, and can be secured by condition. (Condition 10).

### **Trip generation**

Whilst the site has been redundant for some time, the submitted Transport Statement and the Highway Authority agree that peak trips are likely to be lower than the former uses of the site – trips will be spread out more across the day. Any intensification of the level of traffic is considered to be negligible and does not give cause for concern from a highway safety perspective, particularly due to the safe operation of the existing access and no crash records.

### **Overall assessment of highway impact**

Paragraph 115 of the NPPF is clear that development should only be refused on highway grounds if there will be an unacceptable impact on highway safety, or if the residual cumulative impact on the road network would be severe.

In this case, whilst concerns from neighbouring residents and the Town Council have been fully considered, it is clear that the provision of 14 dwellings will not have a significant impact on highway safety, particularly noting the more intense former use of the site, and that the internal layout has been amended to the satisfaction of the Highway Authority. Improvements to the sustainable transport network will also be secured through a Legal Agreement, enhancing the sustainability of the site in accordance with Strategic Objective SPO7 of the Wealden Core Strategy 2013.

## Arboriculture and Landscaping

The application is supported by a detailed Arboricultural Assessment, Method Statement and Tree Protection Plan. Following concerns regarding the original scheme and the unacceptable impact on both preserved and unpreserved trees, the site layout has been significantly amended to exclude any impact on the trees protected by TPO5.

Redevelopment of the site, however, does involve the regrettable loss of 41 individual trees, none of which are classified as Category A trees – those of the highest value. All remaining arboricultural features will be retained and incorporated into the proposed site layout.

The conceptual landscaping scheme provides a total of 23 new trees to be integrated into the proposed development to assist in mitigating against also this loss. A detailed soft landscaping scheme will be secured by the imposition of Condition 22, which will seek further enhancements as much as possible.

In order to facilitate the development, a small number of retained trees shall experience a minor loss of RPA to construction. The level of encroachment is minor and on the periphery of the trees RPA, resultant impacts are therefore not considered detrimental to the trees long term health and/or condition. Engineered solutions and sympathetic construction measures have been provided in the arboricultural method statement to minimise the impact of construction works, therefore allowing their retention and continued contribution to the site.

Therefore, provided the exclusion zones and methodologies described in the arboricultural method statement and preliminary tree protection plan are followed, trees proposed for retention should not be adversely affected by the construction works. Based on the above assessment, trees recommended for retention in this report can be protected during the construction period and successfully integrated into the site post development.

Overall, as stated above, whilst the loss of existing trees is highly regrettable, re-planting and a robust landscaping scheme will help to mitigate this loss as far as possible. Therefore, taking into account the benefits of the scheme, most notably providing much needed new housing for the District, it is considered that on balance, the harm caused by the impact on arboricultural elements of the scheme is not outweighed by the benefits. An objection on these grounds is therefore, not considered to be justified.

The imposition of conditions 19-21 will ensure appropriate methods and mitigation is incorporated into the construction of the scheme.

## Ecology and Biodiversity Net Gain (BNG)

The application is supported by both a Preliminary Ecological Assessment, and a further Ecological Impact Assessment undertaken in respect of the revised scheme. These reports identify limited ecological value of the site, with no further survey work required.

Recommendations and mitigation measures are proposed regarding the timing of vegetation removal works in relation to breeding birds, together with biodiversity enhancements, including native planting and the installation of bat and bird boxes. These will be secured by the imposition of Condition 19.

The development is exempt from mandatory Biodiversity Net Gain as it was submitted prior to the formal introduction date. However, a BNG Report and BNG Metric has been submitted as part of the updated application, which demonstrates that a gain of over 20%

through an increase of 0.17 habitat units and 0.07 hedgerow units (20m of hedgerow) post development. The existing site comprises poor quality grassland, poor quality heathland and scrub and moderate value (in ecology terms) trees and hedges. Improvements will take the form of additional vegetated gardens, introduced shrub, modified grassland, new mixed scrub, new trees and native hedgerows. It is therefore considered that the application demonstrates enhancement to biodiversity value, which is welcomed.

### Flood risk, foul and surface water drainage

#### **Flood Risk**

The site lies wholly within EA Flood Zone 1, so the sequential test is met, and the exception test is not required for this site. The site does not appear to be at risk from tidal, sea or fluvial flooding or from failure of a drainage asset such as a canal or reservoir. The majority of the site is at very low risk of flooding from surface water but with a low risk flow path running north to south along the southern end of Southview Close.

There are no ponds or ordinary watercourses within the site boundary. There are existing foul and surface water drains on the site serving the present road and buildings. There are no records of flooding close to this location within this Council's land drainage database.

#### **Surface Water Drainage**

Infiltration is the first recommended drainage method in the SUDS although the applicants have stated that infiltration cannot be used due to the limited space between buildings not giving sufficient room for the 5.0m separation and the presence of root protection zones. This is accepted.

There are adopted, public surface water sewers and a watercourse in the vicinity of the site, although to reach these would involve land outside the applicant's control. The applicants are therefore proposing to discharge the water from the site to the Southern Water foul sewer. The Southern Water consultation reply of 1 December 2023 agrees to this course of action provided the rate of discharge is restricted to 3.1 l/s which is the calculated greenfield, Q-Bar rate. The necessary attenuation is to be achieved by use of the base of permeable paving and underground tanks.

In considering the drainage principles proposed for the site, it would be appropriate to require full detail in the drainage calculations, which can be secured through the imposition of Condition 4. The calculations should prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus 45% climate change allowance. A full management and maintenance plan for the drainage system will also be secured through this condition.

#### **Foul drainage**

The applicant is proposing to discharge foul water into an existing public foul sewer to the south of the site. Evidence has been submitted to demonstrate that Southern Water have confirmed that there is sufficient capacity in the system to accommodate more than the 14 units now proposed. A full detailed design of the site layout and foul drainage system will be required as part of a Section 98 application to Southern Water following any grant of planning permission. Regardless, there is sufficient evidence available to recognise that a

solution for managing the wastewater from the proposed development is available to ensure that the development does not increase the risk of flooding elsewhere.

Evidence of Southern Water's agreement to discharge surface water into the existing network will be secured through the imposition of Condition 4.

### Affordable housing

The application proposes 14 new dwellings, and in accordance with Policy AFH1 of the Affordable Housing Local Plan, this would equate to a total of 4.9 homes to be provided on site, or through a financial contribution.

The applicant did however, submitted a Viability Assessment in support of the application, which determines that it is not financially viable to provide affordable homes either on site, or by way of a financial contribution. During the course of the application, this Assessment was independently verified, which concluded that the site was viable to provide the required affordable housing contribution. Whilst the applicant has contested this conclusion, in the meantime, an application to apply Vacant Building Credit in accordance with the requirements of paragraph 65 of the NPPF was also submitted, which, in consultation with the Council's Housing Team, concluded that the affordable housing contribution would be reduced to the provision of a financial contribution to the equivalent of 1.13 units following the application of Vacant Building Credit. This has been accepted by the applicant and will be secured through a Section 106 Legal Agreement, should permission be granted.

### Contamination

The site is potentially affected by contamination. As such, a Phase 1 Desk Study has been submitted in support of the application. This concludes that:

In respect of former uses at the site, there is a moderate/low risk to residents and site visitors, flora, as well as buried services and below ground structures and foundations; In respect of the former heating oil tank, there is a moderate/low risk to residents and site visitors, potable water pipes and shallow groundwater.

Conditions 13-16 are imposed to ensure further assessment is undertaken prior to the commencement of development, together with appropriate remediation works if considered necessary. Subject to the implementation of these mitigation works, no objection is raised on the grounds of contamination.

### Air Quality

Given the scale of development proposed, the application is supported by an Air Quality Assessment to ascertain the impact of the development in terms of air quality both through the constructional phase, and the operational phase. This concluded that there is likely to be:

- An insignificant effect on air quality during the construction phase
- The site is considered to be suitable for its proposed residential use

It is recommended that a condition is imposed (Condition 17) to require the applicant to submit a Mitigation Report prior to the commencement of development that equates to the

submitted damage costs calculation to ensure appropriate mitigation methods against air quality are fully adhered to, both in construction and operation.

### Sustainable Construction

Strategic Objective 9 of the Wealden Core Strategy ensures that development takes full account (by mitigation or adaptation) of the likely forecast impacts of climate change including: minimising the emissions of greenhouse gases; the use of non-renewable energy and natural resources; and by encouragement of construction using sustainable techniques. This is supported in particular by Policy HG7 of the Wealden Local Plan 1998 and other guidance in the NPPF.

In response to this policy framework, the application is supported by a thorough Energy Statement, which demonstrates how the scheme can comply and meet the required energy efficiency standards. Air Source Heat Pumps to provide for heating and domestic hot water will be installed on all new dwellings, meeting the requirements of Part L, Volume 1 of the Building Regulations. The building fabric and services specifications will also ensure that Part L, Volume 1 of the Building Regulations are met.

### Developer's Contributions

The residential development will bring with it demands upon infrastructure. NPPG sets out that whether Community Infrastructure Levy (CIL) is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance, these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Council's Infrastructure Delivery Plan and Regulation 123 List.

In addition to this, as detailed and concluded below, a contribution towards habitat mitigation measures is required, as well as off site highway improvement works, as detailed above.

### Habitat Regulations Assessment

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

### **Assessment of likely significant effects on the SPA**

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG) Paragraph: 002 Reference

ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. It is somewhere future residents of the home(s) proposed would likely wish to visit for recreation. Evidence in the form of visitor surveys carried out for the Council demonstrates that residents living within 7km of the Ashdown Forest are likely to visit it. This would provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Due to the small scale of the proposed development there is no scope to provide on-site mitigation for the impacts on the SPA. Thus, it is necessary to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with the tariffs in the Council's Ashdown Forest Mitigation Zone Background Paper. This is an approach supported by Natural England (NE).

The contributions would be used to improve the visitor experience at the nearby strategic SANG in order to displace recreational trips away from the SPA. There is capacity at the strategic SANG to accommodate the recreational trips that would arise from the application scheme. The contribution towards SAMM would be used to monitor and limit recreational disturbance at the SPA.

The mitigation would help support an alternative recreational destination for residents of the scheme and assist in managing the SPA in a favourable condition as a habitat for Dartford warbler and European nightjar. The mitigation would ensure the proposal would not adversely affect the integrity of the SPA, as its condition need not deteriorate as a result of the application.

The contributions would be directly related to the impacts of the proposal on the SPA and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy. Accordingly, the contributions towards SANG and SAMM are obligations that can be taken into account

In conclusion, subject to the mitigation discussed above and secured through the planning obligation, the scheme would not adversely affect the integrity of the SPA in view of the site's conservation objectives. Accordingly, the proposal would not be at odds with Policy WCS12 of the Wealden District Council's Core Strategy and saved Policies EN1, EN7 and EN15 of the Wealden Local Plan (1998).

## **Assessment of likely significant effects on the SAC**

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

NE's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway to the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

The Council had proposed a new Local Plan to 2028 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. Considering the effects of that quantum of growth, NE is satisfied that will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensy Levels SAC and Ramsar from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

For the reasons set out above it is considered that when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the SAC protected European Sites. It is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of a failed duty to cooperate.

## **Conclusion**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National guidance states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-



date, granting permission unless the NPPF provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

Wealden District Council are unable to demonstrate a 5 year supply of housing. The NPPF requires therefore that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

The policies referred to are those in the Framework relating to habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.

In this instance, while the objections to the proposal have been noted, the development site is located within a defined development boundary where development is supported, subject to compliance with other policies in the Plan, which holds significant weight. Similarly, the contribution of 14 additional dwellings to the Council's housing land supply also holds significant weight. Paragraph 115 of the NPPF is clear that development should only be refused on highway grounds if there is an unacceptable impact on highway safety or whether the residual cumulative impacts on the highway network would be severe. The Highway Authority do not object to the proposal, subject to the imposition of conditions and a legal agreement to secure sustainable transport improvements. The development utilises the effective use of land and has been amended on several occasions to address residents concerns in terms of its layout, appearance and impact on amenity. Whilst the loss of trees is regrettable, it is considered that this only holds some weight, taking account of mitigation that will be put in place through the imposition of conditions and replanting. Therefore, it is concluded that on balance taking account of the above assessment, the impact of the development, its contribution to Wealden's 5 year housing land supply, along with other material planning considerations as detailed in the main body of this report, conditional planning permission should be granted.