

SITE PLAN

BURWASH

RR/2020/1822/P

Strand Meadow - Land to the south west of.



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Not To Scale

Rother District Council

Report to - Planning Committee
Date - 18 February 2021
Report of the - Head of Strategy and Planning
Subject - Application RR/2020/1822/P
Address - Strand Meadow - Land to South West
BURWASH
Proposal - Reserved matters relating to residential development of 30 dwellings (outline permission RR/2017/582/P), Conditions 1, 2 and 3 together with the discharge of Conditions 7 (foul and surface water drainage), 8 (parking and turning of vehicles), 9 and 10 (archaeology), 13 (levels) and 19 (landscaping).

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED:** To **APPROVE (RESERVED MATTERS, including details on drainage (in part), parking, archaeology, levels and landscaping)**

Head of Service: Tim Hickling

Applicant: Park Lane Homes (SE) Ltd
Agent: Town & Country Planning Solutions
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: BURWASH

Ward Member(s): Councillors J. Barnes and Mrs E.M. Kirby-Green

Reason for Committee consideration: Member referral: Councillors J. Barnes and Mrs E.M. Kirby-Green for the following reasons:

- Failure to indicate how the developer will meet his Section 106 obligation.
- Lack of sustainability and the amount of additional traffic generated by failure to guarantee access to village on foot.
- Visual impact on the Area of Outstanding Natural Beauty and failure to mitigate this adequately in the design.
- Because it has proved possible only to use part of the site the density is too high.
- Concerns about the internal layout.

Statutory 13 week date: 5 January 2021

Extension of time agreed to: 22 February 2021

1.0 SUMMARY

- 1.1 This application is in respect of the submission of reserved matters and those additional details specified relating to drainage, parking, archaeology, levels and landscaping. There is no requirement for all other details set out in conditions to be submitted nor for the submission of any details relative to matters set out in the Section 106 agreement at this stage as they have different triggers.
- 1.2 The submission of reserved matters is made pursuant to the grant of outline planning permission, RR/2017/582/P. The means of access to the site is via Strand Meadow and is as approved in the outline permission. Reserved matters relate to appearance, hard and soft landscaping, layout and scale.
- 1.3 The proposal has an essentially linear layout relative to the elongated site and further restricted by the site slope. The properties have been designed by an architect who has undertaken other local work, in particular in Shrub Lane and the High Street. The design now reflects the local vernacular with simple porch canopies, brick ground floors, tile hung first floors and clay roof tiles with a varied roofscape and chimneys. The close-knit layout and use of a terrace of cottages (plots 1-4 and 21-25), reflects the tight layout of the historic High Street but with properties stepping up where required to reflect the slope. Parking is provided with a mix of on-plot and the use of parking bays to the western side of the road, separated by planting areas and positioned under the tree canopy. Each plot has its own rear patio and garden which step up the slope. The existing field boundary through the centre of the site is retained and incorporates a drainage/run-off as part of the surface water drainage scheme, with a bridge to the road and a pond feature. Boundary trees are also retained.

1.4 PROPOSAL DETAILS

PROVISION	
No of houses	30
No of affordable houses	40% - 12
Other developer contributions 1	Landscape/ecological area
Other developer contributions 2	Recreational open space (allotments)
Other developer contributions 3	Footpath link to recreation ground
CIL (approx.)	2,577 sqm (1,565 market + 1,012 affordable)
New Homes Bonus (approx.)	£200,520

2.0 SITE

- 2.1 The site, as is the whole village of Burwash and much of the District, is situated within the High Weald Area of Outstanding Natural Beauty (AONB). Except for the public amenity/recreation area, which could be utilised as allotments, the site lies within the development boundary for Burwash village with an existing field access from the southern end of Strand Meadow.
- 2.2 The land, which has a significant gradient falling from south-east to north-west, is allocated (as a saved policy) within the Rother District Local Plan 2006 for housing, landscaping and amenity purposes. It is relatively hidden from the wider landscape, nestling on the side of a narrow valley that runs in

a northerly direction from, and below, the main ridge upon which the village stands. The land slopes down to a ghyll on its north-west boundary. There are a number of trees to the northwest boundary with the ghyll, around the field edges (three small fields make up the site) and within the area subject to improved landscaping. The trees having a trunk diameter exceeding 75mm at a height of 1.5m above ground level are protected by an area tree preservation order, TPO 267.

- 2.3 The site adjoins Strand Meadow to the north, and the gardens of properties at a higher level in Beechwood Close to the north-east and Rother View to the south-east. The recreation ground is set at a higher level and adjoins the southern boundary of the site, with rising fields to the west. Public paths run along the northern boundary between Beechwood Close and Strand Meadow with public rights of way via Ham Lane to the south-west and through the fields to the west.

3.0 PROPOSAL

- 3.1 Outline planning permission has previously been granted for the development of this site on two separate occasions, as set out at section 4.0 below. This application is for reserved matters (access, appearance, landscaping, layout and scale) and discharge of some conditions, namely 7, 8, 9, 10, 13 and 19 of the 2017 outline permission and specifically required to be dealt with at the reserved matters stage. It does not seek discharge of all conditions, nor any of the obligations contained within the Section 106 agreement which have different triggers.
- 3.2 As previously approved, the site covers some 1.8ha in total, comprising 0.83ha for residential development, 0.78ha to be enhanced landscape and 0.24ha for amenity (allotment/community orchard) and recreational use. Access as previously approved, remains from the southern end of Strand Meadow, incorporating off-site highway works to provide additional parking spaces on the approach to the existing turning head. Those parking spaces are for the general use, including by existing Strand Meadow residents.
- 3.3 The site layout is not dissimilar to the indicative plan presented at outline, being a linear layout along the lower part of the site reflecting the linear form and gradient constraints of the site. It continues to provide a mixed development of 30 units comprising:
- 1 x 1 bed flat – plot 1
 - 1 x 2 bed flat – plot 2
 - 6 x 2 bed houses – plots 3, 13, 14, 22, 23, 24
 - 22 X 3 bed houses (4 person) – remaining plots
- 3.4 Following the previous refusal the proposed dwellings have been redesigned and subject of public consultation locally and a peer review. The architects have also designed other schemes locally, namely land adjacent 78 Shrub Lane and Old Rectory Court in the High Street. The design now follows a traditional vernacular and use of materials. Properties are two-storey terraced or semi-detached with a mix of hip and gables to the roofs, chimneys, predominantly tile hanging to the first floor, brick facing ground floors, simple porches and some window canopies, casement windows and standard doors to the front, and patio doors at ground floor into the rear

garden. The height of dwellings is reduced when compared with that refused and, while there are still elements of under build to provide level ground, these are also reduced with fewer steps, broken flights and more level thresholds. The frontages are also better landscaped with timber sleepers, some brickwork and planting (including within raised wooden beds). Some internal steps are also utilised and reduce the external steps to the properties and their gardens.

- 3.5 The access road is to be a shared surface with three points where traffic calming is proposed. The traffic calming, two raised table tops and a bridge, are also delineated by a change in material. Most units have an on-plot parking place, with additional and visitor parking provided in bays scattered along the western side of the access road. A large turning head is provided roughly two-thirds of the way along the access. Bin and bike storage are also included.
- 3.6 Landscaping does include removal of some 50 trees, primarily smaller specimens but also some larger from within the site. 62 new trees and other planting are proposed within the landscaping scheme. Those to the boundaries are to be retained as well as those along the field line running north west/south east through the middle of the housing, where there is also running water. Additional native tree planting is proposed through the site, along with native hedges to the side and rear of the developable area as well as around the open parking bays. All parking is to be grasscrete.
- 3.7 As well as a block plan, elevations/floor/roof plans and landscaping, other documents submitted include: street scenes, sections and finished floor levels (FFL), biodiversity survey and report (updated), arboricultural assessment report (updated), archaeological evaluation, flood risk assessment and drainage proposals, landscape and visual assessment, and a statement of community involvement.

4.0 HISTORY

- 4.1 RR/2011/2205/P Outline: proposed residential development with access from Strand Meadow. Approved subject to Section 106 agreement and conditions.
- 4.2 RR/2011/2206/P Use of land for informal recreation and creation of footpath link. Approved subject to S106 agreement and conditions.
- 4.3 RR/2017/586/P Outline: Proposed residential development with access from Strand Meadow. Approved subject to conditions and Section 106.
- 4.4 RR/2018/1787/P Full application. Erection of 30 market dwellings together with access, parking, open space and recreational land. Refused on design only and lack of Section 106 agreement which was subsequently completed. Appeal dismissed.

5.0 POLICIES

5.1 The following 'saved' policies of the adopted [Rother District Local Plan 2006](#) are relevant to the proposal:

- VL1 – Land off Strand Meadow, which states:

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

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

5.2 Saved Policy DS3 of the Rother District Local Plan (2006) is also part of the current 'development plan'; it is relevant insofar as the majority of the site lies within the defined development boundary. The only area that is excluded is that part of the site comprising proposed use for recreational purposes including allotments.

5.3 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- OSS1: Overall spatial development strategy (additional dwellings required)
- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- RA1: Villages
- SRM2: Water supply and wastewater management
- CO1: Community facilities and services
- CO3: Improving sports and recreation provision
- LHN1: Achieving mixed and balanced communities
- LHN2: Affordable housing
- EN1: Landscape stewardship
- EN3: Design quality
- EN5: Biodiversity and green space
- EN7: Flood risk and development
- TR2: Integrated transport
- TR3: Access and new development
- TR4: Car parking

5.4 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DEN1: Maintaining Landscape Character
- DEN2: The High Weald AONB

- DEN4: Biodiversity and Green Space
- DEN5: Sustainable drainage
- DHG3: Residential internal space standards
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas
- DHG11: Boundary treatments
- DHG12: Accesses and drives

5.5 The following policies of the emerging [Neighbourhood Plan](#) are relevant to the proposal but carry limited weight:

- GP01: Protection of the Area of Outstanding Natural Beauty (AONB) landscape
- GP02: Views into and from the AONB
- GP04: Development boundaries
- GP05: Design standards
- GP07: New open spaces
- GP08: Sustainable development
- HO01: Housing tenure and mix
- EN02: Natural environment protection
- EN03: Green infrastructure: footpaths and bridleways
- EN04: Dark skies
- EN05: Historic landscape environment
- EN06: Integration of landscaping
- IN01: Pedestrian Safety
- IN02: Parking

5.6 The following Council documents are considered relevant to the proposal:

- Housing and Homelessness and Rough Sleeping Strategy

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

- Paragraph 11: the presumption in favour of sustainable development
- Paragraph 38: decision-making
- Paragraph 47: determining applications
- Paragraph 67 – 68: identifying land for homes
- Paragraph 73: maintaining supply and delivery (five year supply)
- Paragraphs 102-103: promoting sustainable transport
- Paragraphs 117-118: require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses
- Paragraph 122: achieving the appropriate density of development
- Section 12: achieving well-designed places
- Section 15: conserving and enhancing the natural environment, including paragraph 172 in respect of the High Weald Area of Outstanding Natural Beauty (AONB) and paragraph 175 reference enhancement of biodiversity

5.8 The High Weald Management Plan and Housing Design Guide are also material considerations. Objective S3 of the Management Plan has particularly been referenced and states: *“To enhance the architectural quality*

of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design”.

6.0 CONSULTATIONS

6.1 ESCC – Highway Authority – **NO OBJECTION**

This proposal is a reserved matters application whereby the principle of the development has already been agreed. I therefore have no objection to these reserved matters application and the discharge of the highway related conditions subject to the comments below.

6.1.1 **Site Access (Condition 1)**

The access arrangements and associated off site works remain as submitted under the previous planning application (RR/2017/582/P) and a s278 Agreement is already in place to construct the access and carry out the off-site works. The access arrangement is therefore acceptable in principle; however, this is subject to any minor alterations required at detailed design stage and following subsequent RSA's.

6.1.2 **Internal Layout & Turning Areas** - *It is understood that the road will not be put forward for adoption; however, I would like to make the following comments and observations:*

- I am satisfied that the tracking drawings submitted indicate that the site layout can accommodate the largest refuse and emergency vehicles likely to serve the development. However, a refuse vehicle would be required to reverse a significant distance when serving Plots 26 to 30. This is not ideal.*
- A 6m distance is required to the rear of parking spaces to enable vehicles to turn in a convenient manner. This requirement has been satisfied throughout a majority of the site; however, a vehicle using parking space 30 would be required to reverse a considerable distance before being able to turn. The lack of the lack of turning for this parking space is far from ideal; however, as this is likely to cause only inconvenience rather than a safety hazard it does not give me any significant cause for concern.*
- The site will for the most part be served via a shared surface. The provision of a continuous footway alongside the main carriageway would be preferred, especially as a pedestrian link is to be provided to the south of the site. However, it is acknowledged that vehicle speeds on the cul-de-sac are likely to be particularly low and as a result I am satisfied that the shared surface would operate satisfactorily and not discourage the use of the pedestrian link.*
- As the road within the site is relatively straight the traffic calming features proposed should be located closer together to effectively encourage lower speeds.*
- With regards to waste collection it should be noted that residents should not be required to carry waste more than 30m whilst waste collection vehicles should be able to get within 25m of the storage point.*
- The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.*

- *As the internal layout is to remain unadopted drainage within the site has not been considered in detail and will, it is presumed, be assessed by the Flood Risk Management Team.*
- *Part of the proposal also includes the creation of a new 2.5m wide footpath link for public use at the south western end of the housing area that would connect to the adjoining public recreation ground.*

Some aspects of the site layout are considered to be less than ideal, as outlined above; however, the layout is suitable for planning purposes and is generally acceptable to the highway authority. Therefore, the relevant conditions can be discharged.

- 6.1.3 **Parking** - *Using the ESCC Car Parking Demand Calculator the parking requirements for the proposed mix of dwellings is 66 spaces (50 allocated, 16 unallocated/visitor spaces). This is based on all larger dwellings being allocated two parking spaces, smaller dwellings one allocated space and flats unallocated parking.*

The submitted information states that as far as possible each dwelling has parking within or near to the front of its domestic curtilage. In accordance with East Sussex County Council's Parking Demand Calculator, 66 car spaces will be provided, and all households would be allocated at least one space. There would also be 14 spaces reserved for use by visitors.

The overall parking provision is acceptable; however, it is noted that the 3-bed dwellings, are only provided with a single open parking space within the curtilage of the property. This is less than ideal, and the provision of two allocated parking spaces within the curtilage of each dwelling would be preferred; however, it is acknowledged that additional parking spaces are located in the vicinity of the dwellings and therefore excessive on-street parking is less likely to occur.

It should be noted that each car parking space should have the minimum dimensions as set out below. Any space that does not meet these dimensions will not count towards the overall parking provision.

- *Parking Space – 5m x 2.5m (A minimum additional 0.5m will need to be added to either or both dimensions where the space is adjacent to a wall(s) or fence(s).*
- *Spaces in front of garages must be a minimum of 6m long to maintain access to the garage) (no garages to be provided)*
- *Disabled Parking Space - 5m x 3.6m*
- *Car Ports – 5m x 2.8m (no car ports to be provided).*

The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current standards and codes of practice as and when they become available. Charging points should also be considered for other parking areas.

Safe, secure and covered cycle parking facilities need to be provided at new developments and are equally important as car parking, as cycling has the potential to replace shorter car journeys. The level of cycle parking will need to meet the requirements of the ESCC standards which are one space per unit for one- & two-bedroom dwellings and two spaces per dwelling with three bedrooms or more. If communal storage is provided for flats, then 0.5 spaces would be required per unit.

Overall, the parking provision is considered to be acceptable and therefore the relevant condition can be discharged.

6.2 ESCC Rights of Way – **NO OBJECTION**

6.2.1 Following the submission of objections from the Trustees of the Recreation Ground forwarded additional comments stating:

I understand that a footpath directly connecting this site to the village via the recreation ground is now unlikely to be achievable. Whilst that is unfortunate, for the reasons we have highlighted in response to the previous applications, Ham Lane would not make a suitable formal connection and I am content in that respect that it is not identified as an alternative.

The existing footpaths connecting the site with Shrub Lane are ultimately suitable in terms of their condition. I therefore confirm that we do not wish to object to the application on rights of way grounds.

6.3 ESCC Landscape Officer – **NO OBJECTION**

6.3.1 Notes that:

- *An architectural Peer Review has been submitted to support the application which identifies that the built development would be restricted to the lower part of the site and would not break the skyline. This has influenced the linear form of the housing layout and the retention of the higher part of the site as open space. This report identifies that the five terraced houses set at right angles to the access road will follow the site contours and provide relief to the linear form and a varied roofscape.*
- *A Landscape and Visual Appraisal (LVA), Landvisual September 2020, has been submitted to support the application. The LVA identifies that the proposed development would have an impact on the landscape features and character of the site resulting in tree loss and changes to the topography. The LVA concludes that the overall impact would be a small magnitude of effect on local landscape character. In this context the proposed development would not have an adverse impact on the character of the wider AONB.*
- *The LVA identifies that the visual effects of the proposal on the surrounding countryside would be localised and of a medium effect and that these would reduce to small in the long term as the proposed planting matures. The potential effects on views into the site need to be considered in the context of the existing houses on the ridge beyond the site along Rother View and taller houses in Strand Meadow.*
- *The conclusions of the LVA are not disputed and it is recommended that the proposed landscape scheme is required to be implemented to mitigate the landscape and visual effects of the development.*
- *Parking is proposed close to boundary trees, encroaching within root protection areas and the arboricultural report recommends mitigation. Use of grasscrete with timber edging is acceptable providing the construction method would not require excavation. There should be a no dig or hand dig construction method within the root protection areas of all trees on the site and a detailed design for banking and to avoid potential impacts to trees should be required.*

- *The site slopes relatively steeply and it is noted from the site sections that this will require cut and fill operations to create the level areas. The filling to create the parking areas would be within the root protection areas of some mature trees. This could have an adverse impact on these trees in the longer term. It is recommended that the Rother District Tree Officer is consulted on the detailed design for the banking and potential impacts on individual trees.*
- *The development would require the removal of 50 trees and 16 of these are graded as significant by the arboricultural report. It is noted that proposed mitigation for this loss is to be agreed. The remaining trees would need to be protected during construction in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction.*
- *The detailed planting plans are acceptable and should ensure a high-quality environment is created for the residents. The proposed native tree and hedgerow planting in the proposed wildlife area is acceptable.*
- *It is recommended that the proposed detailed landscape design for the scheme can be supported.*

6.4 ESCC Ecologist – **NO OBJECTION**

6.4.1 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. The suggested mitigation and enhancements of the submitted Assessment are acceptable but there is a need to ensure that they are implemented.

6.4.2 Of the details so far unspecified, the comments reference the need for some additional protected species surveys prior to commencement on site; measures to ensure the protection of the flushes in terms of water quality and quantity, and to ensure that there are no detrimental impacts on habitats in the wider area through run off via the stream; additional habitat enhancements to be included within the detailed landscaping and build (including hedgehog permeability, nesting boxes, bat and dormice boxes, reptile refuges, removal of Himalayan balsam in accordance with best practice).

6.5 ESCC – Lead Local Flood Authority – **NO OBJECTION**

6.5.1 The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively and without increasing flood risk elsewhere. The principles of the drainage strategy are to be brought forward to detailed design. They advise that the above ground storage that has been included in the drainage design would give rise to water quality and maintenance benefits over the use of below ground storage. They recommend additional conditions in respect of detailed drawings and hydraulic calculations; details of the outfall and its connection into the watercourse; management of excess flows; a maintenance and management plan; management of flood risk during construction; and Prior to occupation evidence (including photographs) showing that the drainage system has been constructed as per the final agreed drainage design.

6.6 ESCC Archaeology – **NO OBJECTION**

6.6.1 Based on the information submitted, it is confirmed *that the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in an agreed Written Scheme of Investigation (WSI) as required by the planning conditions.*

6.7 Environment Agency – **NO OBJECTION**

6.7.1 Commented: *The submitted drainage plans indicate that foul drainage will be discharged to the public sewer. We support this proposal. If this changes we should be re-consulted. The drainage plans also indicate that surface water will be stored on-site before discharging to the nearby watercourse. We have no objections to these proposals.*

6.8 Southern Water – **NO OBJECTION**

6.8.1 Southern Water (SW) have undertaken an initial desk top study which indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. SW and the Developer will need to work together in order to review if the delivery of network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

6.8.2 It may be possible for some initial dwellings to connect, pending network reinforcement if required. Recommend a condition that “Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.” As such discharge of Condition 7 not recommended at this stage.

6.9 Housing Development Officer – **NO OBJECTION**

6.9.1 Notes that no details are submitted with regard to provision of affordable housing, which includes the onsite provision of 12 affordable homes secured by Section 106 legal Agreement. It is assumed that the Applicant intends to deliver the affordable housing in accordance with the above Outline scheme. To ensure the scheme delivers the full affordable housing requirements in accordance with the above Agreement, it is recommended that a pre commencement condition must be included. This condition should prevent development above ground works until a detailed affordable housing plan is submitted and agreed by the Council, to include the location, property size, tenure mix of the affordable housing provision accordingly. As detailed in the Outline planning committee report, the affordable homes must be ‘peppered potted’ across the scheme to ensure the homes remain indistinguishable from the market homes in accordance with Policy LHN2.

6.9.2 Whilst it is recognised that a separate planning application was submitted in June 2018 (Ref RR/2018/1787/P) providing a detailed financial viability assessment, confirming the scheme was not viable to deliver a policy

compliant level of affordable housing (an application which was subsequently refused by Rother District Council and upheld on appeal). Any viability issue relevant to the approved Outline scheme above will remain subject to the same internal and independent scrutiny process as before, to support this important planning policy consideration, to meet significant and growing housing need across Rother.

6.9.3 Unless the Applicant proposes to include affordable housing on this scheme to accord with the above Outline planning permission, it is recommended that any financial viability assessment should be submitted as soon as possible to prevent delays and increase certainty over delivery of this scheme coming forward.

6.10 High Weald Unit – **OBJECTION**

6.10.1 *In summary, the High Weald AONB Unit objects to the proposal on the following grounds:*

- *The proposed layout demonstrates that this site cannot accommodate 30 dwellings without causing unacceptable harm to the character of the AONB as set out below;*
- *The tightly spaced and terraced form of development would give a very urban edge when viewed from the adjacent countryside and the number of dwellings also results in the overdominance of car parking in the street scene and inadequate private amenity space, contrary to objective S3 of the High Weald AONB Management Plan and the High Weald Housing Design Guide;*
- *Insufficient details are provided of the amount of soil that would need to be excavated and how this would be treated contrary to objective G2 of the Management Plan;*
- *The ecological assessment report submitted with the application has a number of deficiencies which are detailed in an appendix to this letter;*
- *A Landscape and Ecological Management Plan has not been included and is essential to secure the ongoing benefits of the site and to meet objective FH3 of the Management Plan.*

6.11 Sussex Police – **NO OBJECTION**

6.11.1 Summarised:

- No major concerns but any identified local crime trends should be mitigated.
- Dwellings facing the street creates good active frontage.
- Overlooked parking bays should keep the street free and unobstructed.
- Noted reference to Secure by Design features also include lockable (or key coded) entrance doors and gates. And use of low-level lighting to footpath.
- Parking areas should be observed from active rooms in the dwellings.
- Rear and side accesses should be gated.
- 1.8m fencing is acceptable.
- Care with design of footpath link to avoid potential to generate crime.
- Use low level planting within the orchard to maintain natural surveillance.
- If lighting it should be sufficient – consider that bollard and low-level is insufficient.

6.12 Planning Notice

6.12.1 Some 325 letters of objection have been received. These include multiple submissions from the same property, others from outside the district and some from outside the UK. Several are based on a pro-forma. The objectors include the Burwash Playing Field Association, Burwash: Save our Fields, Wild About Burwash and Ramblers. The concerns raised are summarised as follows:

- Omission of affordable housing – unacceptable without it.
- Viability not addressed.
- Will exacerbate existing traffic safety issues and parking problems within Strand Meadow.
- Increased traffic, noise and light pollution.
- Conflict of vehicles with those crossing the entrance via the public footpath.
- Will be harmful to the AONB landscape.
- Previous Inspectors decision should be upheld.
- Lack of local infrastructure.
- Increase to 30 from previously approved 17 is overdevelopment of the site.
- Will exacerbate existing drainage problems.
- Footpath link is fundamental – without it the scheme should not be approved.
- If the footpath link is provided it will affect the safety of the playing field users, limit sport activities, affect site security and criminal activity, increase insurance and litter, create more light pollution.
- Still some design issues – is too cramped and out of character.
- Form and scale is unsuitable and too urban for this location, particularly the tightness and use of patio doors to the rear.
- Still too many steps so undesirable for elderly, those with mobility issues or families.
- Will harm the local ecology and destroy wildlife, including potential impacts to the local water course going into Shrub Woods.
- Is too early to sign off the ecology condition.
- Site is too wet and steep and unsuitable for development.
- Housing quota should not be a reason to approve.
- Community involvement has been inadequate.
- Given the pandemic why add more people into an area.
- Should not approve conditions piecemeal.

6.12.2 One letter of support has been received. The reasons are summarised as follows:

- Subject to sensitive design and resolution of sewage issues.

6.12.3 General comments contained within the representations, summarised as follows:

- Reservation as to access for large work vehicles. If approved condition:
 - Lighting to protect dark night skies
 - Use the High Weald Design and colour guides
 - Traffic-calming measures and appropriate signage where access road crosses public footpath

6.13 Burwash Parish Council – **OBJECTION**

6.13.1 Full comments are available on the website and are summarised as follows:

- acknowledge that the design and detail of the individual houses is an improvement on the previous submission, the massed appearance of the development, the hard landscaping, layout and scale of the site remains entirely inappropriate to the AONB edge of village and the surrounding rural setting and is harmful in its impact *per se*.
- Support High Weald Unit comments.
- Consider it conflicts with the Appeal Inspector's comments and scale would harm the AONB as referenced by the High Weald Unit.
- Continue to object to the access as being unsafe.
- Object to use of a shared access.
- Request details of the footpath link.
- Consider that the footpath should connect to the village.
- Have concerns regarding drainage, future maintenance, impacts on the ghyll woodland at Shrub Wood and the capacity for 'slip' from the wetness and steep gradient, renders the site unsuitable for building.
- Consider parking to be insufficient.
- Concern that parking being provided in Strand Meadow is suggested as overflow for residents of the development.
- Levels result in steps which limits accessibility and there is no mention of affordable housing so the scheme fails to demonstrate that it would meet community housing needs for families, elderly and disabled.
- Viability should be known – in 2017 the increase to 30 units resulted from a viability issue. The affordable housing should be provided, it is needed within the High Weald.
- Ecological Assessment has failings but await comments of County Ecologist.
- Site remains deeply unpopular with the Community and was excluded from the Neighbourhood Plan now awaiting Independent Examination.
- While other matters were not considered as part of the previous appeal they should be considered now.

6.14 Etchingam Parish Council – **OBJECTION**

6.14.1 Still believes that this development should only be considered at all if affordable housing remains as part of the mix. This fact notwithstanding the designs in general are still not up to High Weald Designation standards.

6.15 Applicant/Agent

6.15.1 The Applicant has responded to all the comments received, including seeking Counsel advice from Cornerstone Barristers with regard to the High Weald Unit comments. In respect of the number of dwellings Counsel concludes:

8. *To be precise, the term in the condition is that the number of dwellings on the site "shall not exceed 30". This means that provided that the number of dwellings proposed does not exceed the figure of 30, it shall comply with that condition.*
9. *Of course, it may be possible to mount an objection on the basis of aspects of the design, but the objection on the basis of the number of units should be disregarded by the District Council as it seeks to*

reverse the decision that has already been taken which set the limit to the number of units pursuant to the permission as 30.

6.15.2 The Applicant's full comments are available on the website and are not repeated here, as many of the points made are covered within the Appraisal below. They include the submission of Land Registry details indicating a 'right of way' into and around the western edge of the Recreation Ground and discussions over the preceding two/three years with the Trustees of the ground to provide a surfaced path, independently of the application proposals. The path would not impact on the other uses and pitches/courts on the ground. It is noted that discussions are already underway with Southern Water regarding a phased development.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is CIL liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £624,102.
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £200,520 over four years.

8.0 APPRAISAL

- 8.1 Where development is proposed 'within' a development boundary, there is a presumption in favour of sustainable development, subject to compliance with other policies. In addition, the principle of housing development on this site has already been accepted not only by the Inspector at the 2006 Local Plan inquiry (which adopted Policy VL1) but also with the grant of previous outline planning permissions, both as submitted in 2011 and then as approved under reference RR/2017/582/P. This application is submitted in respect of the reserved matters (RMs) for the latter outline permission for 30 dwellings. In addition, some of the condition details are also submitted for consideration.
- 8.2 The main issues to be considered with regard to this application relate to:
- the reserved matters of appearance, landscaping, layout and scale;
 - impacts on the AONB;
 - ecology; and
 - Details submitted for conditions:
 - 7 (foul and surface water drainage);
 - 8 (parking and turning);
 - 9 and 10 (archaeology);
 - 13 (levels); and
 - 19 (landscaping).
- 8.3 As a point of clarification, it is noted that several objectors consider that the proposals are fundamentally flawed as they propose 30 dwellings. They make the point that this is too many for the site and it should be refused on this basis. However, Condition 6 of the outline permission states that the

number of dwellings on the site “*shall not exceed 30*”. It may be recalled that the outline application was for a larger development area than the previous one for 17 units and initially proposed 32 units. This was considered too many and the number was reduced to 30. While there is an option for a developer to propose fewer than 30 units, the condition does not specify “up to” or “less than”. It states “shall not exceed”. As such the permission does allow a scheme for 30 units. The Counsel opinion provided to the Applicant by Cornerstone Barristers is not disputed.

- 8.4 A further point of clarification is also provided with regard to the issue of affordable housing and discharge of other conditions. There is no statutory requirement to seek discharge of all conditions as part of the RMs. The outline permission does request the submission of details for Conditions 7 (drainage) and 8 (parking/turning) to be submitted with the RMs. All other subsequent conditions can however be submitted at a later time subject the relevant trigger of the condition (i.e. prior to commencement, prior to occupation etc.).
- 8.5 Affordable housing is a requirement of the Section 106 agreement and paragraph 1 of Part 1, Schedule 3 requires “*Not to commence the Development until an Affordable Housing Tenure Plan has been submitted to and approved by the Head of Communities and Economy.*” A Tenure Plan is defined and must show: “*(i) which dwellings are to be constructed as Affordable Housing Units, (ii) which dwellings shall be Affordable Rented Units and which shall be Shared Ownership Units, and (iii) the precise location of the dwellings together with floor plans and specifications.*” While it would be desirable for those details to be submitted now, given the linear form of development and the comparable similarity in sizes with a mix of semi-detached and terraced units mostly 2 and 3 beds, there is no reason that affordable units could not be pepper potted and would remain indistinguishable from the market homes in accordance with Policy LHN2, as highlighted by the Housing Officer. In this instance the provision of affordable housing would not give rise to a change in the layout and is not required to be approved at this stage.
- 8.6 Similarly, the reference by third parties to viability is not a matter that the Council can insist the Applicant submit details for. Any developer may subsequently raise viability issues and this has been raised previously in relation to the development of this site. However, that is not an issue being raised by the applicant in the application before the Council now.

Reserved Matters

- 8.7 Access
- 8.7.1 The main access to the site was part of the approval at outline stage. Access off the southern end of Strand Meadow was agreed by the Highway Authority and Planning Committee and is part of the approved plans listed at Condition 5 of the outline permission. Those details are further agreed with the Highway Authority under their Section 278 agreement.
- 8.7.2 The access includes off-site works within Strand Meadow to change the turning head and to provide additional parking along the north west side of the road for use by ‘existing’ Strand Meadow residents.

8.7.3 Access within the site is considered as part of the 'layout' along with the parking and turning arrangements and footpaths, which are discussed further below.

8.8 Appearance and Scale

8.8.1 Appearance essentially relates to design, encompassing the form, massing and also scale of proposals. As some Members will recall, the previous full application was refused with regard to its design only. The reason for refusal stated:

“The design of the proposed development is uncharacteristic and out of context with the historic settlement of Burwash and the High Weald AONB and will cause harm to the verdant character of this edge of countryside location by reason of: its poor pedestrian access arrangements (both site wide and within individual plots) which are primarily stepped and do not provide access for all; the urban (rather than rural) character and appearance of the buildings; the excessive height of the proposed buildings and their inappropriate scale when compared with prevalent village design; the design of the shallow pitch roofs incorporating inappropriate flat roof dormers; and the inadequate levels of light that will be received within the proposed properties. The proposed development does not represent a high quality response to the local context and landscape and therefore would be contrary to Policies OSS4, RA1, C06, EN1, EN3 and TR3 of the Rother Local Plan Core Strategy, Policies DHG4, DEN1 and DEN2 of the emerging Development and Site Allocations Local Plan Proposed Submission – October 2018 and paragraphs 124, 127 and 128 of the National Planning Policy Framework.”

8.8.2 This reason highlighted particular concerns with regard to its 'urban character and appearance', 'poor pedestrian access', 'excessive height and inappropriate scale', 'shallow roof pitches', 'flat roof dormers' and 'inadequate light'; all combining to result in a development uncharacteristic and out of context with the historic village design and the rural location within the AONB.

8.8.3 In short, the Inspector agreed with those comments with exception to the light issue, which he found unreasonable and awarded the appellant costs against the Council on this point. In respect of access for future occupants he stated at paragraph 18 of the appeal decision:

“However, the topography of the site is steep and the evidence before me would suggest that stepped access is probably unavoidable and is, in fact, quite common locally. The appellant has referred to the requirements of Part M4(1) of the Building Regulations as a material consideration. This indicates that a stepped approach can be used on steeply sloping sites subject to several detailed design matters, including the design and spacing of the steps and landings.”

And concludes:

“There is nothing of substance before me to suggest the requirements of Part M4(1) could not be met. On balance, and given the inherent constraints of the site, a stepped access would be an acceptable solution in this instance.”

- 8.8.4 It will be noted that the RMs have a lower under build with fewer steps and use shorter flights incorporating landings, designed to comply with Part M4(1). It is also noted that some internal steps within the ground floors are proposed. However, as noted by the Inspector, stepped development is not uncommon within the locality, where neighbouring properties are also built onto and into the hillside, including the use of three storey townhouses, which dominate the approach to this site along the lower section of Strand Meadow, and the use of split-level properties behind in Beechwood Close. Elsewhere, many properties have steps down or up to the entrance with sloping gardens.
- 8.8.5 Turning to the other issues of design, it is noted that the form and scale of the proposed dwellings has significantly changed, which in turn has also changed the massing of the development. The previous proposal had taken its lead from the vertical emphasis of the adjacent townhouses, albeit with more variation to the façades which resulted in large areas of glazing and high building blocks. The Inspector had commented that the existing *“three storey buildings present a rather abrupt edge to the village and an architectural style, form and scale unsympathetic to the rural landscape character... and the appeal proposal “would compound the existing impact upon the landscape and settlement edge.”*
- 8.8.6 The RMs seek to address this by following a traditional ‘cottage’ style prevalent within the wider landscape of the AONB and evident in the historic core of Burwash. The Inspector commented that such *“a scheme that reflects and responds positively to the rural vernacular would sit comfortably in the landscape and respond to the aims of the High Weald AONB Management Plan, which explains that settlements are characterised by a high concentration of historic buildings with a limited pallet of materials.”*
- 8.8.7 The proposals now submitted result in lower buildings, with much lower eaves and reduced in overall height by between 1.25 and 2.95m, with many local characteristics incorporated, and found within the historic High Street, as previously requested by objectors. The proposals do not aim to replicate the less vernacular 20th century developments that surround it within other developments that are accessed via Shrub Lane. The roof pitches are now steeper, with a mix of hips and gables, no dormers are proposed and chimneys are now included. They provide a varied roofscape, which is the element most likely to be viewed from the surrounding area. Fenestration is also traditional in its approach, with exception of the ground floor rear patio doors, which would not be open to public view and face into the hillside/village and not towards the open countryside. While French doors would be more traditional, use of patio doors is widespread and they are often inserted under permitted development rights. They offer good use of natural light for the internal space within the buildings, a concern previously raised by Committee. This feature alone is not considered to represent a matter for refusal.
- 8.8.8 The material palette is also more limited and reflects the local palette with brick, tile hanging, clay tiles, timber and black painted metal railings. Specific manufacturer details have not been provided and in the event of any approval, these can be controlled by conditions to ensure that high quality materials are utilised and which reflect those used traditionally within the High Weald and Burwash village.

- 8.8.9 Given the change to the design, the scale of the buildings and their massing is consequently also reduced but is acknowledged to be slightly tighter in layout than that of neighbouring developments. However, it is not as tight as the High Street, where there are many purpose built terraced properties and even individual dwellings are attached to neighbours with no intervening gaps.
- 8.8.10 The previously dominating blank high frontages, created by high eaves and areas of under build with front gardens given over to parking, have been reduced and softened. Where under build cannot be avoided, it has been incorporated into the design as part of the landscaping. Parking is interspersed with green areas and landscaping, with grasscrete for the parking surfaces, which also adds to the softer appearance.
- 8.8.11 The Inspector had previously commented that the design had not been tested through a design review or been worked up with the local community. These proposals were the subject of public consultation and discussion with the Parish Council prior to submission. There is no onus to arrive at 100% agreement between all these parties and it is noted that some limited objections are still raised, but design is not the primary issue raised as it was before.
- 8.8.12 Having regard to the preceding paragraphs, the appearance and scale of the proposals is considered to reflect and be sympathetic to the local vernacular and that of the High Weald generally.

8.9 Landscaping

- 8.9.1 The proposals are submitted with a comprehensive landscaping proposal which includes a scheme for landscaping around and within the site. While a number of trees, 50, would be removed, it is noted that the majority of these are isolated or small clusters of saplings with some larger trees in the area of the new access road and parking spaces on the lowest part of the site. Some are also removed for construction of the dwellings. A significant number of new trees, 62, and hedge planting, using native species, are proposed as mitigation.
- 8.9.2 The County Landscape officer has commented that the details “*are acceptable and should ensure a high-quality environment is created for the residents*” but has raised concerns regarding the build up required to provide some of the parking areas to the western boundary and the impact on trees. The Arboricultural Assessment notes that “*Of the retained trees, just two trees (see **B6** and **B18**) along the north-western boundary will potentially be adversely impacted by the proposed development as their RPAs extend into proposed car parking bays.*” The Arboricultural Assessment lists a number of measures to minimise and protect damage to tree roots as well as setting out other mitigation and enhancement measures in accordance with BS5837:2012 *Guide for Trees in Relation to Design, Demolition & Construction: Recommendations*. Compliance with the Arboricultural Assessment and its mitigation measures is already a requirement within the s106. This addresses the concerns raised by the Landscape Officer.

8.9.3 While in the short term there would be some loss of vegetation, in the medium to longer term the proposed landscaping would mitigate that successfully.

8.10 Layout

8.10.1 As always intended for the development of this site, it has a linear form extending along the lower slopes. This location was accepted by the Inspector and at paragraph 13 he stated:

“The layout would also focus development on the lowest part of the site, although the mitigating effect of this would be undone by the overall height of the buildings. Nevertheless, it would create space for an area of enhanced landscaping that would provide a softening backdrop to the houses. The development would also preserve several important landscape features, such as the historic field boundaries, some of the trees within the site and the streams. The density would also be acceptable. The use of compact groupings also minimises the extent of built form and breaking it up with fingers of landscaping would soften the visual impact. However, the positive aspects of the layout would not outweigh the significant harm that would occur from the unsympathetic scale and appearance of the proposed buildings.”

8.10.2 The linear form of development along the lower slope of the site ensures that the proposed development sits below the properties in Rother View and Beechwood Close and as such there would be no direct impacts from the new buildings on the amenities of neighbouring properties. As noted by the Inspector, the development would have a softened backdrop being part of the landscape and not being a prominent protrusion into the skyline as is Rother View. The High Street, set on a ridge, is viewed from the surrounding valleys both to the north and south sides of the village. Some buildings break the sky line while others are interspersed with the landscaping of gardens and trees. In this regard the proposed development, set down within the valley, while viewed in short distances from the adjacent Strand Meadow and nearby footpaths surrounding the ghyll, it would still be seen among the trees and it is not likely to be viewed adversely from wider distances. These conclusions are borne out by the LVIA (Landscape and Visual Impact Assessment).

8.10.3 The LVIA appraises the potential visual and landscape impacts. The visual impacts range from medium at the closer points on paths to the north and west, to negligible from the recreation ground where rooftops would be glimpsed amongst the tree vegetation during winter months in context with the housing on Rother View. It concludes that visual effects from further afield would not be anticipated due to the screening effects of woodland and boundary vegetation.

8.10.4 In terms of effects on landscape character the LVIA notes at paragraph 5.4.3 that:

“The proposed building materials and architectural style of the Proposal (see Section 3) would complement the prevailing architectural vernacular of the village. The block paving and cobbles proposed for the shared surfaces of the proposed development would respond to the Site’s location on the outer

edge of the settlement. Although there would be a slight reduction in the vegetated appearance of the settlement edge following the completion of the construction phase, in the long-term, the vegetated appearance of the settlement edge of Burwash in this location would be restored. The proposed feature pond in the Site's central field would strengthen the existing pattern of scattered ponds seen in the wider landscape surrounding the Site. Although the proposed housing would not occupy a ridge top location, it would not appear at odds with the existing settlement pattern on the upper valley slopes on Strand Meadow and Beechwood Close already seen on the western edge of the settlement."

8.10.5 And continues at paragraph 5.4.4 *"Views across the River Rother valley would still be seen from some parts of the upper slopes in the east of the Site. The proposed development would not be present in long views across the valley in the direction of Burwash from the south-facing slopes of the River Rother (see distant context viewpoints A, B and C, Figure 7). The proposed houses would be visible from a limited number of locations in the near vicinity of the Site (either immediately to the north or south of the Site, or within a 250 m radius to the north and west), but the proposed houses would not be discernible from further afield or in longer views. As such, the existing sense of remoteness in the wider River Rother valley would be unaffected, and the stunning views currently seen from the enclosing ridges beyond the site would also be unaffected."*

8.10.6 As such the landscape effect would be very localised and overall landscape effect would be small in magnitude.

8.10.7 The appeal Inspector was critical of the lack of an LVIA but that has now been provided. In terms of general layout, at paragraph 12 he commented that *"The proposal would not be without merit as the linear form would stitch the development into the grain of Strand Meadow and provide a legible route through the development to the recreation ground. Moreover, the south western extent of the appeal site would be left as public open space to create a visual and physical buffer with Ham Lane, which has a more rural character and connects the historic core of Burwash with the open countryside beyond."*

8.10.8 Having regard to the individual plot sizes and policies DHG3 and DHG7, internal and external space standards, the proposals are all in compliance. The internal space exceeds the minimum gross internal floor areas and also includes storage as well. A 1 bed 2 person flat requires at least 51.5sqm, that proposed is around 58sqm and along with the 2 bed flat it also has its own external amenity space. A 2 bed x 3 person house requires 72sqm, the proposed units have around 86sqm. A 3 bed x 4 person house requires 86.5sqm, the proposed units are around 88sqm. In terms of external space, the shallowest garden is 10m in length, but the majority exceed this with lengths of up to 25m.

8.11 AONB Impacts

8.11.1 Reference has been made by objectors to the proposals constituting major development within the AONB, which has the highest status of protection (paragraph 172 of the National Planning Policy Framework) and that permission should be refused other than in exceptional circumstances, and

where it can be demonstrated that the development is in the public interest (paragraph 173). Those considerations are principle issues and while they may have been relevant to the full planning application considered by the Inspector in 2019, they have already been considered in this instance as part of the considerations at outline stage. Outline planning permission has been granted for the principle of development in this location and the matters now to be considered are the details pertaining to that outline permission.

- 8.11.2 The High Weald AONB covers some 82% of the District and as such development within the AONB cannot be avoided. The High Weald AONB designation washes over the village and therefore any development in or around the village will be located within the AONB. Paragraph 172 of the National Planning Policy Framework attaches 'great weight' to the conservation and enhancement of the landscape character and scenic beauty of the AONB. The High Weald Management Plan sets out the components of the area which include its geology, landform, water systems and climate; settlement pattern; routeways; woodland; and field and heath.
- 8.11.3 The site lies on the east side of a characteristic steep sided narrow valley with springs leading down to the north-west boundary. Ancient woodland (Shrub Wood) lies some 200m north of the site entrance, separated by the housing on Strand Meadow and Hornbeam. The site borders existing residential development to its northern and eastern boundaries. There is a public footpath in the field to the west running parallel with the site but the tree belt within the ghyll along the north-west site boundary affords screening to much of the developable area. The Local Plan Inspector considered the site to be a small inconspicuous extension of the existing cul-de-sac where development would have limited landscape impact in the AONB. The Appeal Inspector in 2019 at paragraph 23 said "*I share this view, subject to a sensitive design.*" It is acknowledged that the site is slightly longer now to accommodate the increase in dwelling numbers (when compared with the Local Plan allocation), but it remains the case that development is on the lower slopes and that boundary planting is to be retained and reinforced.
- 8.11.4 Having regard to the landscape components, the proposed development is located at the lower level of the site within the valley, retains the historic field boundaries, trees and streams and as such retains the key components of the landscape in which it sits. There are no impacts from the development with regard to the ancient woodland to the north. Field boundaries are to be retained and strengthened. The streams are to be maintained and managed not only in terms of water quality but also with regard to their ecology and biodiversity. There are no impacts to the historic routeways and a further footpath link is proposed. The development is to be built into the hillside. The height of the dwellings has been reduced. By maintaining and adding additional tree planting this would assist in screening the development and interspersing the development among the trees, unlike the development of Rother View, which sits prominently in the landscape 'above' the height of the proposed new buildings. While noting the comments of objectors and the High Weald AONB Unit, this is balanced against the history of the site, the conclusions of the Local Plan Inspector and the last appeal Inspector, the nature of the site, the conclusions of the LVIA and comments of the County Landscape Officer. Although there would be local impacts, there are considered to be no wider impacts from the development on the wider AONB and all impacts would be mitigated by the landscaping proposals. Given the

improved design and the acceptable landscaping proposals, it is concluded that the proposal would conserve the overall character and appearance of the site within the AONB.

8.12 Ecology

- 8.12.1 While not specific on its own to consideration of the RMs, ecology is a consideration in terms of the layout and potential impacts of the development. Ecology was considered at the outline stage and the Ecological Assessment including mitigation was part of the approved documents (Condition 5) and a requirement within the Section 106. Updated details are submitted with this application and, as previously, the results and proposed mitigation are acceptable. However, the County Ecologist has highlighted some mitigation proposals which have not yet been incorporated within the details so far submitted. As these details are required to ensure Biodiversity Net Gain, having regard to the National Planning Policy Framework and other policy requirements, it is therefore appropriate to require additional details prior to commencement on site to ensure that the suggested mitigation and enhancements are incorporated as integral parts of the development.
- 8.12.2 The site and the development proposed would not impact upon any statutory site of nature conservation interest. The proposed layout reflects protection and maintenance of the main features of the site in terms of both wildlife, trees and habitats. A Tree Preservation Order covers the site and this is also considered within the Arboricultural report.

Condition details

8.13 Drainage

- 8.13.1 Condition 7 of the outline permission requests the submission of foul and surface water drainage details as part of the RM considerations. This is essentially to ensure that drainage is an integral part of the scheme and that the proposed layout accommodates the proposed drainage scheme without subsequent requirement for amendment and that the scheme would provide adequate drainage for the development.
- 8.13.2 As noted in the consultee comments at paragraphs 6.5, 6.6 and 6.8 above, the drainage details have been considered by the Environment Agency, Southern Water and the Lead Local Flood Authority (LLFA). The Environment Agency has no objections to the proposals, while both Southern Water and the LLFA have no objections in principle. However, Southern Water are in discussion with the developers regarding phasing of development and the LLFA have requested additional elements of detail. In view of these on-going matters, it is noted that the drainage scheme is acceptable in principle but in view of the additional details required it is recommended that a new condition is added to any decision detailing the additional matters required to be submitted as requested by Southern Water and the LLFA.

8.14 Parking and Turning

- 8.14.1 In respect of Condition 8, the Highway Authority has considered the details submitted with regard to access within the site and to the parking and turning

provisions proposed. While some issues have been raised as less than ideal, they are not such that they are unacceptable. The HA consider the proposals to be suitable and recommend discharge of the condition.

8.14.2 In accordance with the ESCC Car Parking Demand Calculator, which is based on census and survey parking data for the local area, 66 spaces (50 allocated, 16 unallocated/visitor spaces), are to be provided within the site. Most properties have an allocated on-plot parking space with additional parking for residents and visitors set out within various parking bays scattered along the north western boundary. All parking is set within landscaping as noted in the Peer Review which comments *that “The placing of the majority of the car parking on the north side of the access road “using grasscrete” also prevents that overly suburban architype, so removing the need for garages etc, which further allow the variety of roof forms and materials to flourish unhindered, and planting of trees between groups of parking spaces is to be encouraged. Where parking is adjacent to houses, it is lower than the main entrance level to the houses in most instances. This reduces the impact on the main façades of the houses.”*

8.14.3 Cycle parking/storage is also provided.

8.14.4 With regard to the shared access, the appeal Inspector at paragraph 14 commented: *“the provision of a shared surface with a sensitive surface treatment could lessen the suburban character found in the wider 20th Century estate and could therefore be more appropriate in an edge of village location.”*

This is also commented on within the LVIA which notes *“The block paving and cobbles proposed for the shared surfaces of the proposed development would respond to the Site’s location on the outer edge of the settlement.”*

The Highway Authority comment *it is acknowledged that vehicle speeds on the cul-de-sac are likely to be particularly low and as a result I am satisfied that the shared surface would operate satisfactorily and not discourage the use of the pedestrian link.*

The use of traffic-calming within the new cul-de-sac would add to the low vehicle speeds.

8.14.5 Parking and turning provisions are acceptable and as such the details for Condition 8 can be approved.

8.15 Archaeology

8.15.1 Condition 9 requires a written scheme of investigation (WSI), while Condition 10 requires submission of the report of findings in respect of archaeology. The County Archaeologist has confirmed that the archaeological site investigation and post - investigation assessment has been completed in accordance with the agreed WSI. As such Conditions 9 and 10 can be discharged.

8.16 Levels

8.16.1 Condition 13 requires the submission of levels, including finished floor levels, highway and accesses and relationships with surrounding ground levels.

Sections through the site are submitted and elevations also indicate the relationship with the adjacent ground levels. Finished floor levels (FFL) and other spot heights are set out on various plans including the sections, site plans and landscaping plans. These all indicate the manner in which it is proposed to follow the contours of the existing slopes, setting the dwellings into the slope and utilising cut and fill to provide the level bases for the access road, parking, dwellings and their rear patios.

- 8.16.2 In using cut and fill it is anticipated that most top soil should be retained and utilised on site. The developer has advised that spoil from lower ground levels resulting from piling for foundations and which is unsuitable for use elsewhere, would be removed from the site as is usual. The consideration and control of construction vehicles is already a requirement of Condition 14 of the outline permission for a Construction Management Plan. However, should there be any surplus soils from the cut and fill, in the event of an approval, it is suggested that a condition be imposed to ensure that details of spoil removal or relocation within the site are first submitted to and agreed with the planning authority to ensure protection of trees, ecology and habitats within the site. In all other respects the detail of levels is acceptable.

8.17 Landscaping

- 8.17.1 Condition 19 requires details of soft landscaping including; details of existing trees and hedges and details for protection of those being retained; details of amenity green spaces; planting plans; written specifications; plant schedules; and implementation programme. With exception to the use of 'cotoneaster', and the additional ecological mitigation set out separately, the landscaping details have been accepted by both the County Landscape and Ecology Officers. As such Condition 19 can be discharged.

- 8.17.2 While a 'Common Parts Maintenance Plan' has been submitted and identifies the area to be maintained by a management company – including the landscaped and recreational areas, parking areas, access road, and surface water drainage – the full details of management responsibilities and maintenance schedules is not yet provided and hence there is no request at this stage to discharge Condition 20.

8.18 Other Matters

- 8.18.1 Two other matters have been raised in comments from the Parish Council and objectors, with regard to the proposed footpath link and possible use of part of the recreation land for allotments.

- 8.18.2 Contrary to contentions made by objectors, the proposed footpath link is only required to 'link to' the recreation ground. Neither the policy, condition or Section 106 require a footpath to be provided through the recreation ground and this could not be imposed by planning as the land is outside the application site and in separate ownership. The Applicant has provided evidence of a 'private right of way' through the recreation ground, which endures for the benefit of the owners of the application site and subsequently the occupiers of the new dwellings. Use of the 'private right of way' by non-residents of the site would be subject to agreement by the parties involved. However, provision of a surfaced footway round the edge of the recreation ground is a private matter outside the control of the Local Planning Authority.

- 8.18.3 It is noted that the Parish Council have stated that they no longer require any of the recreational land for use as allotments. Both policy and the Section 106 only require the provision, layout and maintenance of recreational land. The Section 106 provides provision for transfer of the land to the Parish if they wish to take it but, in the event, that they do not then it stays with the land owner and is subject to maintenance by them.
- 8.18.4 References have been made to lighting and dark night skies. Condition 22 of the outline precludes external illumination unless a scheme is first agreed with the Local Planning Authority.
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9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The application site is allocated within the adopted Development Plan for housing with part of the site for landscaping and separate recreational uses.
- 9.2 Outline planning permission has already been granted in principle for the development, with the numbers of dwellings not exceeding 30.
- 9.3 This Reserved Matters application sets out details for access (already approved at outline stage), appearance, landscaping, layout and scale. As discussed in detail above all the aspects are considered to be acceptable. The design reflects the local traditional vernacular with particular reference to the historic High Street as previously requested by members and locals. The layout and form utilises the lower slopes of the narrow valley, following the topography and reflecting the use of semi-detached and terraced properties in adjacent and High Street development.
- 9.4 The siting of the dwellings on the lower slopes contains development within the valley below the developments of Rother View and other dwellings located higher up. As such while there would be immediate local impacts in terms of views, there would be no wider views from the surrounding countryside of the AONB. Any impacts are medium to negligible with those impacts reducing or being removed in the medium to longer term following the planting and maintenance of landscaping.
- 9.5 Although there would be local impacts, there are considered to be no wider impacts from the development on the AONB and all impacts would be mitigated by the landscaping proposals. Given the improved design and the acceptable landscaping proposals, it is concluded that the proposal would conserve the overall character and appearance of the site within the AONB.
- 9.6 Ecology is to be protected with acceptable details for mitigation and proposals for biodiversity enhancements.
- 9.7 The proposed drainage scheme is acceptable in principle, but some additional details are required and to be secured by condition.
- 9.8 Parking and turning is provided to meet the requisite amount suggested by ESCC Parking Demand Calculator and the general cul-de-sac layout, including shared surface with the use of paving and cobbles, reflecting this edge of village location, is acceptable.

- 9.9 The details submitted with regard to archaeology, levels and landscaping are all acceptable.
- 9.10 The provision of affordable housing is a requirement of the Section 106. While it would be desirable for those details to be submitted now, given the linear form of development and the comparable similarity in sizes with a mix of semi-detached and terraced units mostly two and three beds, there is no reason that affordable units could not be pepper potted and would remain indistinguishable from the market homes in accordance with Policy LHN2, as highlighted by the Housing Officer. In this instance the provision of affordable housing would not give rise to a change in the layout and will otherwise be subject of approval under the requirements of the Section 106 agreement.
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RECOMMENDATION: GRANT (RESERVED MATTERS, including details on drainage (in part), parking, archaeology, levels and landscaping)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing Nos:
DR A 0020 P02, dated Jan 2020, site location plan
DR A 0022 P11, dated Jan 2020 – roof plan/layout
DR A 0023 P10, dated Jan 2020, proposed site plan 1 of 4
DR A 0024 P10, dated Jan 2020, proposed site plan 2 of 4
DR A 0025 P09, dated Jan 2020, proposed site plan 3 of 4
DR A 0026 P09, dated Jan 2020, proposed site plan 4 of 4
DR A 0027 P07, dated Jan 2020, plots 1-4
DR A 0028 P06, dated Jan 2020, plots 5-6
DR A 0029 P06, dated Jan 2020, plots 7-8
DR A 0030 P07, dated Jan 2020, plots 9-10
DR A 0031 P06, dated Jan 2020, plots 11-12
DR A 0032 P07, dated Jan 2020, plots 13-14
DR A 0033 P07, dated Jan 2020, plots 15-16
DR A 0034 P06, dated Jan 2020, plots 17-18
DR A 0035 P06, dated Jan 2020, plots 19-20
DR A 0036 P06, dated Jan 2020, plots 21-25
DR A 0037 P06, dated Jan 2020, plots 21-25
DR A 0038 P06, dated Jan 2020, plots 26-27
DR A 0039 P06, dated Jan 2020, plots 28-29
DR A 0040 P06, dated Jan 2020, plot 30
DR A 0042 P04, dated May 2020, street scenes
DR A 0043 P03, dated Jul 2020, site sections
PLG/1640/20 B, dated Aug 2020, landscape proposals (excluding the use of cotoneaster)
PLG/1641/20 B, dated Aug 2020, landscape proposals (excluding the use of cotoneaster)
DR-D-0250-S4-P01, dated Sept 2020, Common Parts Maintenance
2018/4357/002D, dated 24/08/20, swept path analysis
Arboricultural Assessment Report by The Ash Partnership (September 2020)
Ecological Appraisal Update by The Ash Partnership (September 2020)

Written Scheme of Investigation for an Archaeological Evaluation by Chris Butler Archaeological Services Ltd (February 2018).

An Archaeological Evaluation Excavation by Chris Butler Archaeological Services Ltd (August 2018).

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

2. No development shall take place and no equipment, machinery or materials shall be brought onto the site until fencing for the protection of the trees to be retained on the boundaries and within the site has been provided in accordance with the details set out within the Ash Partnership 2020 Arboricultural Assessment Report, dated September 2020 and in accordance with the recommendations of BS 5837:2012 (Trees in relation to design, demolition and construction) and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, unless otherwise agreed in writing with the Local Planning Authority.

Reason: A pre-commencement condition is necessary in order to protect the health of the boundary and other trees which contribute positively to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii), EN1 (i) and EN5 (viii) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN4 of the Rother Development and Site Allocations Local Plan.

3. No development shall take place (including any demolition, ground works, site clearance) until a biodiversity method statement for the protection of badgers and dormice has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant); and
 - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017 and The Protection of Badgers Act 1992, all having regard to.

4. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, incorporating the recommendations made in the Ecological Appraisal Report (The Ash Partnership, September 2020), the provision of log piles and hibernacula for reptiles and measures to maintain permeability of the site for wildlife, has

been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan.

5. While the proposed scheme for foul and surface water drainage submitted with the Reserved Matters are acceptable in principle, prior to the commencement of development further details shall be submitted to and approved in writing by the Local Planning Authority in respect of:
 - a) agreement of a phasing plan in association with Southern Water for the foul drainage connections to the public sewer; and
 - b) the submission of additional detailed design matters for the surface water drainage as set out at points 1-4 in the LLFA consultee response dated 27 November 2020.

The drainage works as applicable, are to be completed in accordance with the approved details prior to the occupation of each dwelling hereby approved.

Reason: A pre-commencement condition is required as early consideration of the drainage infrastructure is necessary to ensure that the development will not increase the risk of flood and will improve water quality and to ensure the future maintenance of the drainage systems, in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy, DEN5 of the Rother Development and Site Allocations Local Plan and paragraph 163 of the National Planning Policy Framework.

6. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;

- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features having regard to Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan.

7. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:
- a) Details/specifications of all external materials for the dwellings.
 - b) Details/specifications of all materials for the external road surfacing, paving, steps and railings.
 - c) 1:10 scale drawings of proposed details including fenestration, eaves details, porch/window canopies, chimneystacks, and utility boxes (including the location of such boxes on the buildings).

Reason: To ensure a high building appearance and architectural quality, which reflects the character of the village and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii), EN1 (i) and EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework and High Weald Housing Design Guide.

8. The development shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan, Drawing Nos. 0022 P11, 23 P10, 24 P10, 25 P09 and 26 P09, dated Jan 2020 and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.

9. The development shall not be occupied until the garden sheds/cycle store have been provided in accordance with the approved plan 0022 P11, 23 P10, 24 P10, 25 P09 and 26 P09, dated Jan 2020 and the areas shall thereafter be

retained for that use and shall not be used other than for the parking of cycles and the storage of domestic items.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

10. The dwelling(s) hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling(s) hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling(s) has been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling(s) is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990, which includes the provision of affordable housing.
2. With regard to the landscaping details, the Applicant is reminded that the use of 'cotoneaster' is NOT approved.
3. All other conditions and notes of the outline permission RR/2017/582/P continue to apply to this development.
4. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
5. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to approve the details in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.