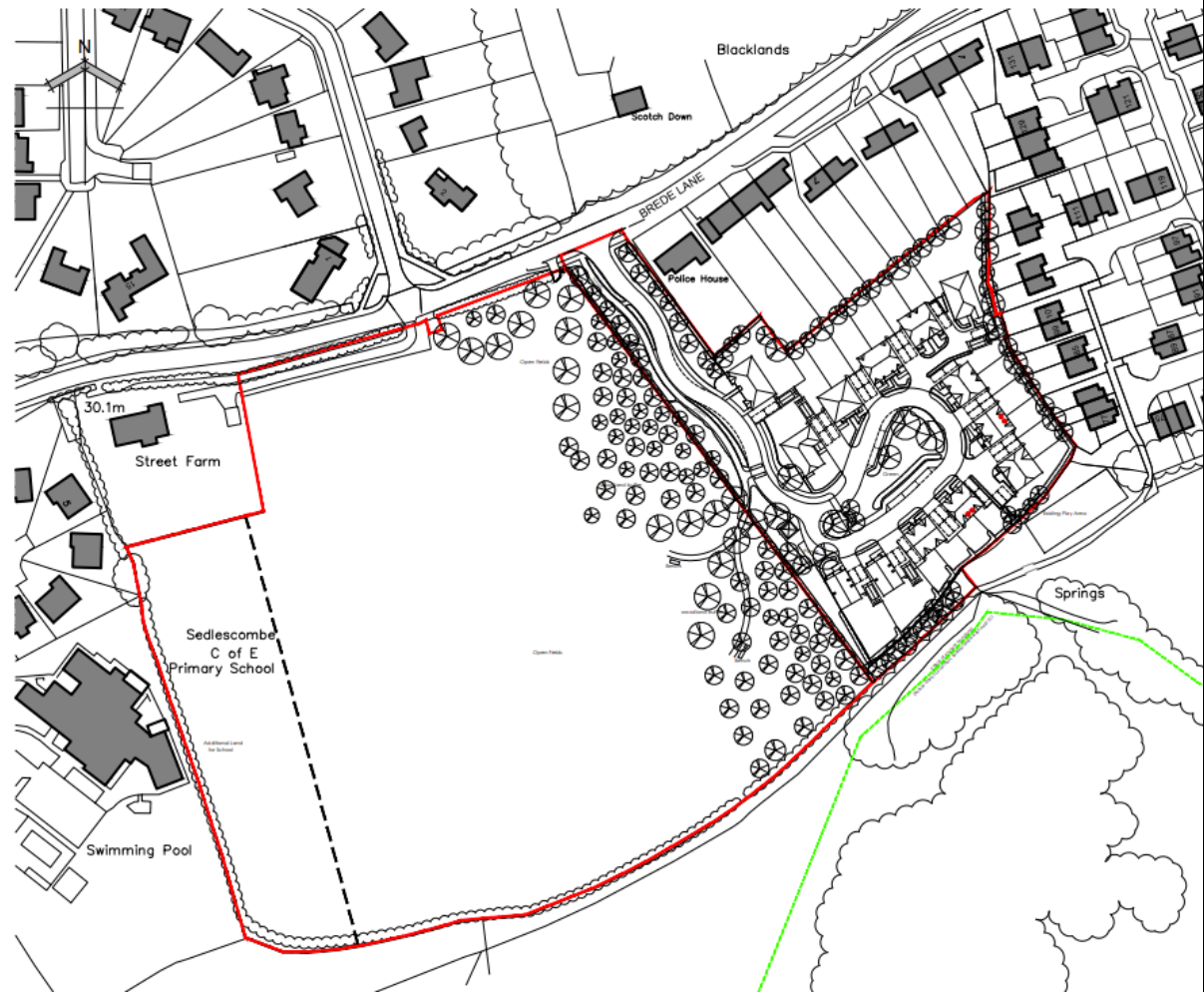


SITE PLAN

SEDLESCOMBE

RR/2022/2619/P

The Paddock
Brede Lane



Rother District Council

Report to	-	Planning Committee
Date	-	22 June 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2619/P
Address	-	The Paddock, Brede Lane, SEDLSCOMBE
Proposal	-	Erection of 21 No. dwellings including four affordable units with public open space, access roads, landscaping, and associated land for use as a school playing field.

[View application/correspondence](#) –

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT IN RESPECT OF:** on-site affordable housing; off-site highway improvements; transfer of land for school playing fields; transfer of land for public open space with commuted sum for maintenance; management of the development area in terms of public areas and drainage.

Director: Ben Hook

Applicant: MJH Executive Homes
Agent: Smith Simmons & Partners
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: SEDLSCOMBE
Ward Members: Councillors B.J. Coupar and C.R. Maynard

Reason for Committee consideration: Member referral: concerns regarding intensification of development leading to overdevelopment of the site and unnecessary additional housing for the village.

Statutory 13 week date: 26 April 2023
Extension of time agreed to: 30 June 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 This full planning application is submitted pursuant to the previous planning permission on the same site that has recently lapsed. The proposals include an uplift in numbers of units from 16 to 21, following a viability appraisal of the scheme. The uplift in numbers is accommodated within the same

development area and within the development boundary for Sedlescombe. The larger part of the site, which is also allocated as Local Green Space in the Sedlescombe Neighbourhood Plan (SNP), is also again indicated as either community open space to be transferred to the Parish or as additional land to be transferred to the school for playing field.

1.2 The proposals are again considered acceptable, it would not have harmful impact on the character or appearance of the area, highways, drainage or ecology and would conserve and enhance the Area of Outstanding Natural Beauty (AONB).

1.3 **PROPOSAL DETAILS**

PROVISION	
No of houses	21 total
No of affordable houses	4
Other developer contributions 1	Land for community use
Other developer contributions 2	Land for school
Other developer contributions 3	Additional Footpath links via Brede Lane
CIL (approx.)	£540,374
New Homes Bonus (approx.)	£119,228

2.0 SITE

2.1 The application site as in 2016 extends to comprise the whole field lying to the south side of Brede Lane between the school in Gammons Way (to west) and the housing development at East View Terrace (to east). The site slopes down to the south away from the road. The site is however, split into three parts:

- a. land at the western end adjacent to the school comprising 0.53ha, for use as school land;
- b. the large central part of 2.88ha to become public open space; and
- c. land at the eastern end, 1.14ha, for housing.

2.2 With the exception of the new access road and proposed footpath leading down from Brede Lane into the site, the area for the housing would be bounded on its northern side by the houses of Blacklands, which front Brede Lane and on its eastern side the residential estate of East View Terrace. The field would remain to the west with the Multi-Use Games Areas (MUGA), public footpath, fields and ancient semi-natural woodland to the south. Hedges form the boundary to the north and south sides, with fences and shrubs/trees to the rear of East View Terrace. Hedges form the other boundaries to Brede Lane, the school and the rest of the southern boundary.

2.3 Some views of the site as a whole may be afforded from the public footpath that runs along its southern side and, at a distance, from across the valley to the south (although this is interspersed with trees) and glimpsed from the A21 and public footpath to the west, although the main south east corner of the field (the housing part of the site) is at a lower level and drops away behind a crest in the field and the trees.

2.4 The site along with the whole of Sedlescombe village and its environs lies within the High Weald AONB. The site comprises a) the housing land within

the development boundary for Sedlescombe and b) the remaining open space allocated as 'Local Green Space' – both as identified within the adopted SNP.

3.0 PROPOSAL

- 3.1 The current application is similar to the now lapsed 2016 scheme in that it proposes to utilise the same developable area for residential development and still proposes land for the school and community open space to be passed to the parish. Two access points are noted into the community space one via a gate from Brede Lane with the other via a gate to the development. The same new access is proposed off Brede Lane with landscaping, incorporating infill planting to the north, east and south boundaries and a new woodland buffer to the west boundary with the community space. The number of units is proposed to increase from 16 to 21 with a variation of the type and size of units. Some of the previously approved large, detached bungalows are now replaced by smaller pairs of semi-detached units on similar footprints and remaining set around a central green and steeped down the hill following the site contours. Slight amendments have been requested and made with regard to some detailed points for materials, landscaping and layout.
- 3.2 The proposal also reduces the amount of affordable housing to four units on the basis of a viability appraisal which concludes that any more affordable units would not present a viable scheme. This has been independently assessed and is discussed further below.
- 3.3 New tree and hedge planting is proposed to the access and to create a new field boundary on the west of the development comprising a 10m wide belt of mixed woodland with an indication of some mounding, with reinforcement of native tree and hedgerow planting to the existing north, east and south sides. Various swept path tracking drawings have also been provided to illustrate the movement of refuse lorries.
- 3.4 The application is also supported by a suite of additional documents and surveys including Transport Statement with parking calculations and engineer construction details; refuse strategy; landscape strategy; Landscape and Visual Impact Assessment (LVIA); arboricultural assessment with retention and protection plan; levels; drainage scheme; design and access and sustainability construction statement; archaeology assessment; plans and elevations including street scenes.
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4.0 HISTORY (relevant)

- 4.1 RR/2017/2925/MA Minor variations to chimneys, bargeboards, some windows, internal layout and levels of pairs of bungalows. APPROVED.
- 4.2 RR/2016/1837/P Erection of 16 no. residential dwellings, together with the creation of a new access onto Brede Lane and provision for car parking, open space and landscaping, and the transfer of land to be used as school playing fields and public open space. APPROVED.

- 4.3 RR/2014/146/P Erection of 18 No. residential dwellings with associated access, car parking and open space together with the transfer and change of use of land to be used as school playing fields. REFUSED.

Appeal dismissed with the conclusion that “Although the provision of new homes, including affordable housing, would be an important social and economic benefit, the Planning Inspectorate concludes in the appeal decision that granting permission for the appeal scheme would be contrary to the plan-led approach, which demonstrates the availability of a five-year housing land supply; as well as being premature in terms of the neighbourhood plan making process.”

5.0 POLICIES

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

- OSS3: location of development
- OSS4: general development considerations
- RA1: villages
- RA3: development in the countryside
- SRM1: towards a low carbon future
- SRM2: water supply and wastewater management
- CO1: community facilities and services
- CO3: improving sports and recreation provision
- LHN1: achieving mixed and balanced communities
- 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

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

- DRM1: (water efficiency)
- DHG1: (affordable housing)
- DHG3: (residential internal space standards)
- DHG4: (accessible and adaptable homes)
- DHG7: (external residential areas)
- DHG11: (boundary treatments)
- DHG12: (accesses and drives)
- DEN1: (maintaining landscape character)
- DEN2: (AONB)
- DEN4: (biodiversity and green space)
- DEN5: (sustainable drainage)
- DIM2: (development boundaries)

- 5.3 The following policies of the Sedlescombe [Neighbourhood Plan](#) (adopted in 2018) are relevant to the proposal:
- Policy 10 – Local Green Space – where development is to be resisted.
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations along with the High Weald Management Plan and the High Weald Housing Design Guide. Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act 2000) as well as paragraph 176 of the National Planning Policy Framework requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs’ in making decisions that affect the designated area.
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6.0 CONSULTATIONS

6.1 National Highways – **NO OBJECTION**

- 6.1.1 Note the proximity with the Strategic Road Network (SRN) namely A21. Are content that the degree of vehicular traffic generation during the operational phase of the development would be low; hence this is not a concern. However, have potential concerns during the construction phase; these may be allayed by means of a suitable planning condition to ensure submission and agreement of a Construction Management Plan.

6.2 Highway Authority – **NO OBJECTION**

- 6.2.1 Requests conditions and comments (summarised) as follows:

- 6.2.2 *It is noted that further information has come to light indicating that the pinch point above Street Farm is narrower than 1.2m wide meaning a footway of this width is not deliverable. The footway will need to be narrower for a distance of approximately 7-8m. At detailed design stage, it will need to be determined whether the footway will continue at a narrower distance or whether a crossing point to the other side of the road where there is an existing footway on the north side of Brede Lane will need to be provided. However, it is noted that the existing footway to the north of Brede Lane is also narrow. Although there is only a very small section where the footway will be narrowed and the chance of conflict between two pedestrians crossing at this point is unlikely, it is acknowledged that the footway may not be accessible for wheelchair/ mobility scooters users which is far from ideal. However, on balance, the provision of a new footway will offer a significant benefit to both future occupiers of the site and existing residents of Brede Lane. The best solution can therefore be determined at the detailed Section 278 design stage in consultation with the East Sussex Implementation Team.*

- 6.2.3 The new access is considered acceptable and appropriate visibility splays can be secured. East Sussex Parking Demand Calculator would suggest that 48 spaces are required for the development meaning the likely demand can be met on site and the risk of overspill onto the public highway is minimal. Vehicles can turn and manoeuvre within the site in order to egress in a forward gear. Electric vehicle charging points are recommended. If internal road is for adoption, then it will need to meet adoptable standards. Cycle parking is required. Refuse and recycling storage is required, and tracking has been provided for an 11.2m long refuse vehicle.

- 6.2.4 A robust assessment of the level of traffic likely to be generated by the development has been provided and us agreed. Previous concerns regarding busy times relating to the school are noted but expected additional traffic movements at those times from the development is very low. Considering a similar number of trips has already been deemed to not have a significant impact, it is unlikely the level of traffic generated by the development proposal would result in a severe impact on the local highway network from a capacity perspective.
- 6.2.5 Bus services are located in the village with other services and facilities and an improvement to footpaths to link with the village is required off-site. A construction management plan is required. The off-site works and financial contribution are to be secured as part of this development via a Section 106/278 agreement are:
- A new vehicular access with a footway on the west side leading into the site.
 - Dropped kerbs and tactile paving on either side of the site access.
 - Improvements to the existing footway on the south side of Brede Lane. These improvements will include the widening and upgrading of the existing footway on the south side of Brede Lane and also provide an extension of the footway up to the existing pedestrian facilities on Gammon Way. The footway to the east of the site access will also be widened to 1.8m for a short distance.

6.3 Lead Local Flood Authority (ESCC) – NO OBJECTION

- 6.3.1 *The application is supported by a Flood Risk Assessment and drainage strategy together with topographic survey and proposed levels design, ground investigation including ground water monitoring and infiltration testing.*
- 6.3.2 *ESCC as the LLFA provided an initial objection due to insufficient information on the 21 February 2023 with details of issues in the design assumptions / calculations that needed to be addressed to ensure the plan layout and levels and drainage design was feasible.*
- 6.3.3 *In response, the Applicant submitted a Drainage Technical Note to address these comments. The Drainage technical Note included additional ground water monitoring and infiltration testing, as well as an updated drainage strategy plan and calculations based on these results. The Applicant also provided an updated exceedance routing plan.*
- 6.3.4 *Based on this information, we can conclude that the proposals will present a low risk in terms of Surface Water Management and Local Flood Risk and provide a feasible drainage strategy. Conditions are recommended.*

6.4 Southern Water – NO OBJECTION

- 6.4.1 Connection to the public sewer requires consent from Southern Water. A new on-site drainage and pumping station for adoption as part of the foul public sewerage system, would have to be designed and constructed to the specification of Southern Water Services Ltd. Any surface water scheme should be acceptable to the LLFA if not to be adopted by Southern Water. Drainage condition recommended.

6.5 Environment Agency – **NO COMMENTS TO MAKE**

6.6 County Landscape Architect – **NO OBJECTION**

6.6.1 As revised the landscape scheme is acceptable. Noted that the proposed development can be supported as it could have an acceptable effect on local landscape character and views subject to conditions.

6.6.2 Additionally comments that the LVIA provides an accurate description of the baseline landscape and visual context for the site and surrounding area. agrees with the conclusions that *the proposed development could have an overall minor – moderate beneficial effect on local landscape character. This would be subject to the implementation of the onsite planting and the proposed woodland planting in the public open space to the west of the development. The visual effects are assessed to be minor adverse on completion of the development reducing to negligible once the planting matures. The proposed development would provide an opportunity to soften the ‘hard’ edge and currently open views to East View Terrace. These conclusions are not disputed, and the proposed development would be viewed against the background of existing houses along Brede Lane and East view Terrace.*

6.6.3 The landscape masterplan would help to mitigate for and integrate the proposed development into the AONB landscape. There are some aspects of the masterplan that have been amended to introduce sections of post and rail fencing with hedges to rear gardens and provide tree planting outside of private gardens.

6.7 Housing and Enabling Officer – **NO OBJECTION**

6.7.1 The viability appraisal and independent assessment are noted and there is no objection to the Applicant’s proposal to provide four affordable units. It is noted that the Affordable Housing units are 2-bed 4-person NDSS compliant and constructed to M4(2) standards. They also appear to have two allocated parking spaces each and suitable external garden/amenity space. The four properties are suitably distributed throughout the scheme in line with Policy DHG1 regarding pepper-potting. The exact tenure mix of the four affordable units is under discussion and will be finalised as part of the Section 106 agreement.

6.8 Sussex Newt Officer – **NO OBJECTION**

6.8.1 Comments:

- The site falls partially within the amber impact risk zone for great crested newts. However, construction will be restricted to the green impact risk zone. There is moderate habitat and low likelihood of great crested newt presence.
- There are six ponds within 500m of the development proposal. Only one of these ponds falls within 250m of the development.
- There is one recent and one historical great crested newt record within 500m.
- There is limited connectivity between the development and surrounding features in the landscape.
- Recommend use of an informative.

6.9 Sussex Ramblers – **OBJECT**

- Unnecessary and unsympathetic development damaging to AONB.
- Public right of way – footpath Sedlescombe 2/2 is along the southern boundary and needs to be respected.
- Land falls away to south and east and will be highly visible.
- If approved should enhance surrounding footpaths and encourage access to wider footpath network and include screening to reduce visual impacts.

6.10 Sussex Police – **NO OBJECTION**

6.10.1 Comments from Secure by Design perspective. Generally, well received but makes some comments regarding potential further improvements to reduce potential for crime but this is in a low crime risk area.

6.11 County Ecologist – no comments.

6.12 High Weald Unit – no comments.

6.13 Planning Notice

6.13.1 31 letters of objection have been received (from 23 representatives). The reasons are summarised as follows:

- Increase in dwellings opposed – overdevelopment.
- 18 previously refused.
- Why only four affordable units? Should be more.
- Should be bungalows not houses to rear of Brede Lane.
- Don't need more housing.
- Potential overlooking of existing dwellings and gardens and loss of light.
- Traffic increase.
- New access dangerous.
- Inadequate parking.
- Harm to AONB.
- Harm to wildlife.
- Impacts to dark skies.
- Ancient woodland to south.
- Object to tree planting along the boundary with East View Terrace could affect properties in the future.
- Footpath proposed may extend outside highway land and damage trees, hedgerow and neighbouring property.
- Lack of local facilities.
- Loss of dog walking field.
- Already 'The Paddock' in Sedlescombe.
- Disruption to village during construction.
- Not part of neighbourhood plan (NP).
- Proposed development compromises the Green Space in the NP.
- Impacts to drainage.
- Object to use of flint.
- Should reuse empty properties before build on green sites.
- Poor local utilities – already have regular power cuts.

6.13.2 Three letters with general comments have been received (from three representatives). The comments are summarised as follows:

- Naming suggestion unsuitable.
- Too many units in small area.
- Flooding at lower end of the field.
- For most part support but should be more social housing and will impact slow worms in field.

6.14 Sedlescombe Parish Council – **OBJECTION/COMMENT**

6.14.1 Summarised as follows:

- accepts that this site has been given planning permission for 16 houses (now expired) and that the site is within the development boundary and therefore there is an assumption in favour of development;
- questions increase in numbers of units and concerned is overdevelopment;
- questions reduction in number of affordable units – notes viability submissions;
- should seek permission for 16 units again with policy compliant level of affordable housing;
- consider there is no reason for increase in numbers given that three of the four neighbourhood plan sites have applications recommended for approval subject to Section 106 so believe there is no shortfall for the village; and
- proposal would harm the AONB and is a reason for refusal.

6.14.2 If to be approved requests the following be addressed:

- appear to have higher ridge heights, and those two storeys to Blacklands should sit further away from the boundary to sit well in the landscape;
- condition required to preclude street lighting in dark sky area and PIR to houses to be sides only and down lights;
- mounding to the open space area may be unnatural feature and should be removed;
- can footway to Brede Lane be provided as required by ESCC? Provision for village is critical;
- request highways require granite setts to entrance and sympathetic materials for footpath;
- the Applicant's willingness to give the balance of the field to the Parish Council which is a Local Green Space in the Sedlescombe Neighbourhood Plan is very much appreciated but access should be from Brede Lane and not just from the residential side of the site;
- the Local Green Space should be noted in the Section 106 to be transferred to Sedlescombe Parish Council as freehold plus a maintenance fund as specified by the Applicant;
- no other development works should occur outside the red edge of the residential development within the Local Green Space;
- proposed school area should not be levelled and if not required by ESCC then it should be added land given to the Parish Council now or when any option expires;
- ecology condition requested in relation to dormice and slow worms;
- gifted field to be drilled with wildflower mix as High Weald specification and provenance;
- use native trees and hedges;
- a margin between the properties at the southern edge bordering the East View 'kick about' area be left to protect the Hazel hedge and to allow the

maintenance of the hedge as required by the Covenant set by the previous owners to maintain both the hedge and the fence. In addition, a Hazel Dormouse Method Statement should be required for this area and development restricted accordingly;

- BNG assessment to be done; and
- ‘The Paddock’ is a name already in use elsewhere in Sedlescombe.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (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 £540,374.
- 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 £119,228 over four years.

8.0 APPRAISAL

- 8.1 The primary issues previously considered still apply with particular emphasis on the principle of development including the position regarding housing supply. Associated matters include viability and affordable housing, impact upon the AONB, layout and design, highway matters, ecology, drainage and other matters.

8.2 Principle of development and housing supply

- 8.2.1 This site has previously been granted planning permission for development with 16 dwellings and the developable part of the site lies ‘within’ the development boundary for Sedlescombe as set out in the SNP. As such there is no objection in principle to the proposed development subject to other policy considerations.

- 8.2.2 A primary change in the proposal comprises the increase in number of units from 16 to 21. The comments of the Parish and objectors are noted. However, the Council is only able to identify 2.79 years of housing supply, in April 2022. Paragraph 11 of the National Planning Policy Framework states:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) 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:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. 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”.*

- 8.2.3 This means that the Development Boundaries contained within the DaSA Local Plan, SNP and other policies that relate to the supply of housing must be viewed at present as being “out-of-date” and that, as a consequence, planning applications fall to be considered in the context of paragraph 11 of the National Planning Policy Framework. Contrary to the contentions of the Parish Council, none of its allocated sites have been delivered and hence housing delivery has also not been met. However, that does not mean that housing schemes which are unacceptable for other sound planning grounds must be allowed; but it does add weight to the benefits that the contribution to boosting housing supply would bring when determining planning applications.
- 8.2.4 There is thus a potential to consider an uplift in housing numbers but subject to considering all other relevant policy considerations including potential impacts on the AONB, as also referenced paragraph 11 of the National Planning Policy Framework which states that permission should be granted unless the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposal. In this respect, Footnote 7 of the National Planning Policy Framework lists the relevant policies, including those relating to AONB.

8.3 Viability and Affordable Housing

- 8.3.1 The application proposes a reduction in the number of affordable housing units within the development on the basis of viability. To be policy compliant a scheme for 21 units in a rural area should be providing 8.4 affordable units. However, the submitted viability appraisal concludes that the proposed development is not viable with a 40% affordable housing provision but could be viable with a lesser 20% provision of four units of affordable housing. The Applicant's submission by BNP Paribas has been independently assessed by Savills. Savills have in summary concluded that:
- we have adopted the Site Value Benchmark (SVB) provided by BNPP of £785,000, which represents a reasonable Existing Use Value (EUUV) and landowner's premium. The figure is also consistent with the Local Plan Viability Assessment;
 - we have adopted a market residential GDV of £8,385,000 equivalent to £437 psf which is considered reasonable and reflective of market evidence;
 - we have adopted an affordable GDV of £838,444 subject to confirmation, and would note the impact of introducing an LHA cap to rents;
 - we have adopted an equivalent construction cost estimate of £5,532,145, inclusive of contingency and external works, which has been reviewed by external cost consultants PSP;
 - timings proposed by the Applicant are considered over-stated for the purposes of viability assessment and have been reduced accordingly resulting in a total development period of 23 months;
 - the proposals include an affordable housing contribution equivalent to c.20% of dwellings alongside further planning obligations in the form of both s106 and CIL payments. We understand the proposals also include the transfer of non-developable land into public ownership, effectively in the form of additional planning gain; and
 - based upon the assumptions detailed herein, our appraisal concludes a residual land value of £600,000 which falls marginally below the adopted SVB. On this basis the proposed scheme is marginally unviable and

technically unable to deliver additional planning obligations beyond those currently proposed.

- 8.3.2 The application proposes the provision of four affordable units and as such the application falls to be determined on this basis. The viability independent assessment concludes that there is no scope for any increase on this number.
- 8.3.3 The Housing Enabling and Development Officer highlighted that the viability appraisal states though that this is based upon 2x units for Affordable Rent at up to 80% rent and 2x Shared Ownership units. This would not be a policy compliant mix of affordable housing. Taking into account Policy LHN1 of the Rother Local Plan Core Strategy and the recent TAN on First Homes (published January 2023), we would look to secure three units for Affordable Rent and 1 as a First Homes unit. The final detail of the tenure mix remains under discussion and to be agreed as part of the proposed Section 106 agreement.
- 8.3.4 It is noted that the Affordable Housing units are 2-bed 4-person NDSS compliant and constructed to M4(2) standards. They also appear to have two allocated parking spaces each and suitable external garden/amenity space. The four properties are suitably distributed throughout the scheme in line with Policy DHG1 regarding pepper-potting. As such there are no objections to the details of the affordable units.
- 8.3.5 The overall mix and type of units is acceptable and proposes:
6 x 2 bed units, 13 x 3 bed units and 2 x 4 bed units.

8.4 Impact upon the Area of Outstanding Natural Beauty

- 8.4.1 Local and national policy as well as Section 85 of the CROW Act 2000 afford protection to the countryside of the AONB giving 'great weight' to its conservation and enhancement. While noting the references to the previous refusal in 2014 in respect of 18 dwellings, it was concluded that the development set within the southeast corner of the site would have only limited and local impacts. This was Agreed by the appeal Inspector and the Secretary of State who concluded that "*the proposal would have a limited adverse effect on the character and appearance of the area and there would be limited conflict with policies relating to the protection of the countryside and character and setting of villages.*" The High Weald Unit in respect of the 2016 application for 16 units also did not taken issue with this conclusion.
- 8.4.2 The proposal this time also includes the use of the central larger part of the field as public open space with maintenance monies proposed to support the future management and improvement of the area for biodiversity and ecology. Landscaping of the development site is also detailed to enhance the rural setting of the village and includes many trees to reflect the nature of the surrounding countryside. These points could be considered to represent a positive enhancement of the landscape and scenic beauty of the AONB. Indeed, the County Landscape Architect has no objections to the proposals subject to conditions.
- 8.4.3 The area proposed for school use has no detailed proposals and would have to be the subject of future applications should any development be proposed on this site, which immediately adjoins the village along its western side. While

it is envisaged that use would be for outdoor play space and thus it may not change in its character or appearance, it is noted that should ESCC not require the land for school place, the Parish have requested an option to also have this land as part of the community open space as it is part of the Local Green Space allocation in the SNP.

8.4.4 It is acknowledged that a section of the roadside hedge to Brede Lane would be lost to create the access and visibility. However, a new area of trees would be planted around the entrance to replace the hedge thus maintaining wider views of the site within the AONB. Although located within the AONB, development of the site is not considered to represent a change to the wider quality or character of the landscape. Any effects would be local, and the national designation of the AONB would be conserved and, enhanced with planting as proposed.

8.5 Layout and design

8.5.1 The proposed layout follows the same pattern as previously approved in 2016 with access off Brede Lane running south down the hill into the southeast corner of the field, with a loop to the road and the dwellings fronting onto the central green. Additional units are accommodated by providing smaller footprints to the units, with an additional bungalow facing west onto the entrance road to the rear of 1 Blacklands, changing a single bungalow to pairs of semi-detached units to rear of 8-9 Blacklands and 81-83 East View Terrace and an additional pair of semi-detached units along the southern boundary, (five in all). The units remain stepping down the hill and are set well below the properties at Blacklands which front Brede Lane, with more comparable ground levels to those in East View Terrace. The existing hedge and fenced boundaries are to be infilled with native species hedges and some tree planting to add to screening but also to aid the biodiversity and habitats around the site boundaries.

8.5.2 All units meet the policy requirements (DHG3 and 7) with regard to internal space standards and external amenity space. The distances to the north between the rear of dwellings on plots 3-9 and 4-11 Blacklands is in excess of 48m (as well as noting the considerable change in ground levels), with distances to the east between the rear of dwellings on plots 10-15 and 77-99 (six units) East View Terrace between 21 and 27m, with dwellings here slightly offset in orientation and spacing. Amended plans were submitted for the siting of dwellings along the east side, to relocate them further away from the boundary. These separation distances are acceptable. Bungalows are still proposed to plots 1, 2 and 9 (northwest and northeast corners). The design of the dwellings complies with the High Weald Housing Design Guide and utilises red brick to the ground floor with tile hanging/cladding at first floor and clay tiles for the roofs. As first submitted flint was proposed to the ground floor but this is not a local material and as requested has been replaced by brick. Hipped roofs with gable detailing are also proposed. Parking is on plot with some garages and sheds for cycle parking and bin storage to the rear gardens which all have external access. Front gardens are defined with hedge planting. Visitor parking is located around the green.

8.5.3 While it is noted that five additional units are proposed, the development area remains as previously approved and within the development boundary for Sedlescombe. The density of development is 25 dph and cannot be

considered an overdevelopment of the site. The increase in units does not have wider impacts outside the site in terms of character or appearance and does not change any AONB impacts. Landscaping remains as before. As per the previously approved scheme, the current layout and design are considered acceptable.

8.6 Highway Matters

8.6.1 There are no objections, subject to conditions, from either National Highways or the local Highway Authority. The access remains as previously approved and the increase in number of units does not result in any significant change to proposed trips. Parking is compliant and the access road within the site can accommodate large refuse vehicles.

8.6.2 The comments regarding the proposed new footway connections to link with the village are noted. Those works, required to improve accessibility and promote modes other than car use in compliance with policy, are to take place outside the site boundary on highway land. The works are required by ESCC as Highway Authority and would be undertaken in accordance with their requirements and standards. As Local Planning Authority Rother does not have control over those details. While noting that the footway would be narrower in places than usual, the Highway Authority confirms that this is acceptable to them and would be unlikely to raise any safety issues. The off-site works would be sought via a Section 106 agreement.

8.7 Ecology

8.7.1 There have been no changes to the site since the 2016 application. The presence of ancient woodland to the south of the site is noted on the plans as before and a buffer zone outside the garden plots is proposed to further reinforce a non-development area, reflecting the Natural England guidance for a 15m development free zone. The dwellings themselves are set some 20m away from the boundary of the ancient woodland which lies to the south side of the existing hedge and public footpath.

8.7.2 Ecological surveys and an Impact Assessment and mitigation have been provided. It is noted that *Most of the site is regularly mown modified grassland and dominated by common and widespread species indicative of improvement. The site is c. 4.6 hectares in area and bordered by trees, hedgerows, woodland edge, arable fields and residential properties. Proposals are concentrated within a 1.4 hectare section at the eastern extremity of the site.*

8.7.3 *As well as modified grassland, habitats on site include hedgerows and bramble scrub, offering moderate ecological value. The site has some potential to support nesting birds, widespread reptiles and foraging and commuting bats. Much of the more ecologically valuable boundary vegetation will be retained and extensive native planting throughout the project will compensate for losses. Ancient woodland exists adjacent to the south of the site and new native planting will be introduced (as a semi natural buffer) where the 15m buffer of this habitat encroaches on the site.*

8.7.4 *Further survey revealed 'low' populations of slow worms and common lizards on site. These reptiles will be translocated to a receptor area located outside*

of the construction zone but within the wider site boundary. A mitigation strategy is provided.

8.7.5 *Once avoidance, mitigation and compensation measures have been considered, the impacts of the planned development upon biodiversity will be negligible and non-significant with proposed ecological enhancements resulting in a Biodiversity Net Gain.*

8.7.6 There are no reasons to disagree with the submissions. It is also noted that the Sussex Newt Officer, with regard to great crested newts, has no objections. Subject to conditions to ensure the mitigation and enhancement measures proposed, the proposals are acceptable.

8.8 Drainage

8.8.1 The comments of both Southern Water with regard to foul drainage and the LLFA for the surface water scheme are both noted. Both in principle can be provided but subject to finalisation and agreement of specifics and connections. As such there are no objections on drainage grounds but conditions are proposed with regard to the details.

8.8.2 Objections have referenced potential flooding, but this does not occur within the site. Localised flooding can be seen on the footpath at the lower level along the southern boundary of the site and to the areas further south along the River Brede.

8.9 Other Matters

8.9.1 As with the previous application, an archaeological desk-based assessment has been submitted and concludes that a condition be imposed if required. The County Archaeologist commented previously that *'The geophysical survey has revealed some evidence for anomalies, and it is argued that the anomalies are likely to be of geological and/or relatively recent origin. This may be the case but without evaluation trial trenching it is not possible to be certain. However, as I understand that the main central area will be kept as open space and residential development would be limited to the eastern area where some of the geophysical anomalies are clearly related to post-medieval field boundaries, I would recommend that further archaeological evaluation and mitigation could be secured by appropriate conditions on any forthcoming planning permission'*. A condition can therefore again be included in any decision.

8.9.2 With regard to sustainable construction, climate change and energy efficiencies, the proposed details include the provision of some electric charging points. The Design and Access Statement also confirms a fabric first approach, to be achieved *using high levels of insulation in the different elements of construction together with the selective choice in appliances, fittings and ventilation and the design of the buildings all contribute to reduce energy and demand for resources.* With regard to water consumption, *it is proposed consumption will be reduced through Water reducing fittings to limit daily water consumption per person to less than 105 litres ... and water metres will also be fitted.* Additional details can also be secured via condition.

- 8.9.3 The designers have also considered dark skies and have noted that there is little requirement for external lighting other than domestic low level entrance lighting to the houses and motion detection security lighting, which can be conditioned to accord with the Institute of lighting standards for this rural location.
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9.0 SECTION 106 MATTERS

- 9.1 The CIL Regulations 2010 introduced into law three tests for Section 106 Planning Obligations. Obligations should be:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development.
 - Fairly and reasonably related in scale and kind to the development.

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

- 9.2 The following matters are considered at this time for inclusion within a Section 106 Agreement and are considered to be related to the development, proportionate and necessary:
- To secure the affordable housing provision for on-site delivery of four units.
 - Provision of off-site highway improvements (to provide a footway to the south side of Brede Lane to Gammons Way and crossing points).
 - Transfer of land for school playing fields.
 - Transfer of land for public open space with commuted sum for maintenance.
 - Details for the future management of the development area in terms of public areas and drainage.
 - RDC's Legal fees.
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10.0 PLANNING BALANCE AND CONCLUSION

- 10.1 With regard to sustainable development there are three overarching objectives, namely economic, social and environmental (paragraph 8 of the National Planning Policy Framework). The three dimensions of sustainable development have been considered. The economic dimension of sustainable development with particular regard to construction work and the housing provision, weighs heavily in favour of the scheme.
- 10.2 The aspects that make up the social dimension are given considerable weight as these include the provision of affordable housing and land to meet identified community objectives (in accordance with the SNP) being supported.
- 10.3 The environmental factors in themselves are regarded as somewhat in favour, especially in the context of the villages and wider District housing targets, and this scheme's limited development in landscape terms, which is restricted to the southeast corner and noting the accepted limited landscape impacts by the County Council's Landscape Architect. The majority part of the wider site is promoted as a local green space to be passed to the Parish and providing local access. (It is noted that while local access has not been precluded by

the owners over the last seven years, there is no public right of access currently).

- 10.4 The proposed development is considered to have only a limited impact on the local setting and not to have any impact on the wider landscape character or quality of the AONB. Given the landscaping and biodiversity enhancements proposed, the proposal is considered on balance to conserve and enhance the AONB.
- 10.5 The proposal is considered acceptable in principle in highway and drainage terms.
- 10.6 The housing type and mix proposed, including the provision of affordable housing, albeit not policy compliant, having regard to the viability assessment and independent appraisal is considered acceptable. There are no design or layout issues in respect of the proposed scheme.
- 10.7 There are components of the scheme that would be attractive to some residents in terms of public access, wildlife conservation, school playing area provision and public control over the central, more exposed parts of the site.

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT IN RESPECT OF: on-site affordable housing; off-site highway improvements; transfer of land for school playing fields; transfer of land for public open space with commuted sum for maintenance; management of the development area in terms of public areas and drainage.

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - 200529_LP-01 Rev.B dated 03/03/23 (location plan)
 - 200529_SL-01 Rev.U dated 03/03/23 (site layout)
 - 200529_SL-PS Rev.C dated 03/03/23 (parking strategy)
 - 200529_SS-01 Rev.E dated 05/04/23 (street scene/sections A-A & B-B)
 - 200529_SS-02 Rev.B dated 6/10/22 (street scenes/sections C-C & D-D)
 - LLD2587-ARB-DWG-002 rev.04, dated 13/10/22 (tree retention and protection)
 - 200529_HT-A-EL Rev.A dated 05/04/23 (house type A elevations)
 - 200529_HT-C-EL1 Rev.A dated 05/04/23 (house type C1 elevations)
 - 200529_HT-D-EL Rev.A dated 05/04/23 (house type D elevations)
 - 200529_HT-F-EL Rev.A dated 05/04/23 (house type F elevations)
 - 200529_HT-A-FP dated 08/10/22 (house type A floor plans)
 - 200529_HT-B-EL dated 08/10/22 (house type B elevations)
 - 200529_HT-B-FP dated 08/10/22 (house type B floor plans)
 - 200529_HT-C-EL2 dated 08/10/22 (house type C2 elevations)
 - 200529_HT-C-FP2 dated 08/10/22 (house type C2 floor plans)

200529_HT-C-FP1 dated 08/10/22 (house type C1 floor plans)
200529_HT-D-FP dated 08/10/22 (house type D floor plans)
200529_HT-E-EL dated 08/10/22 (house type E elevations)
200529_HT-E-FP dated 08/10/22 (house type E floor plans)
200529_HT-Ea-EL1 & 2 dated 08/10/22 (house type Ea elevations)
200529_HT-Ea-FP dated 08/10/22 (house type Ea floor plans)
200529_HT-F-FP dated 08/10/22 (house type F floor plans)
200529_HT-G-EL1, 2 & 3 dated 08/10/22 (house type G elevations)
200529_HT-G-FP dated 10/11/22 (house type G floor plans)
200529_AB-SG-01 dated 10/11/22 (garages plans and elevations)
Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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: The site is located in an area where archaeology has already been found and hence a pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
4. No development shall commence until details (including a technical design) of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. (With regard to the technical detail for a surface water drainage system to serve the site during construction and the subsequent development, the developer is referred to the comments of the Lead Local Flood Authority in their response dated 30 May 2023. In addition, the scheme shall ensure that no drainage is connected to or discharges onto the highway.)
Reason: Drainage is an integral necessary requirement for the development and at the present time the full details have yet to be approved and to ensure that the development functions efficiently and effectively without resulting in flooding or other harmful impacts to the local area, wildlife or habitats in this rural location within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy SRM2 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan and paragraph 169 and 174 of the National Planning Policy Framework.
5. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval and the works shall be completed in accordance with the approved details.
Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, having regard to having regard to Policy CO6 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and site Allocations Local Plan.
6. No development shall take place and no equipment, machinery or materials shall be brought on to the site for the purposes of the development until the erection of fencing for the protection of any retained trees and hedges (and including the ancient woodland buffer zone) has been undertaken in

accordance with approved plan LLD2587-ARB-DWG-002 rev.04, dated 13.10.22. The fencing 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, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and hedges are not damaged or otherwise adversely affected by building operations and soil compaction to conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and mitigate and enhance the appearance of the development, in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and Paragraphs 174 and 176 of the National Planning Policy Framework.

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

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

Reason: In the interests of highway safety and the amenities of the area having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

8. 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) 1:10 scale drawings of proposed details including fenestration, eaves details and porches.
- b) Samples of the materials to be used in the construction of all external faces of the buildings, including bricks, cladding and the clay tiles to be used for the roof tiles and tile hanging and fenestration.
- c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).
- d) Details for the provision of renewable energy generation on the site.
- e) Details for the provision of EV charging points to serve each plot.

Reason: To ensure a high building appearance and architectural quality, to provide renewable energy on site having regard to climate change and net zero carbon and to protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies PC1, OSS4, EN1,

EN3 and TR3 of the Rother Local Plan Core Strategy and Policies DRM3, DEN1 and DEN2 of the Development and Site Allocations Local Plan.

9. No above ground works shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out as approved:
 - a) Boundary treatments (plot and other, including the ancient woodland buffer zone) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such.
 - b) Hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstanding).
 - c) Public access gates and benches to serve the community open space.

Reason: To ensure the creation of a high-quality public realm, design quality, and landscape setting, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
10. No above ground works shall commence until the following soft landscaping details have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:
 - a) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
 - b) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - c) Details for implementation, including written specifications for cultivation and other operations associated with plant and grass establishment.

Reason: To ensure the creation of a high-quality public realm and landscape setting, that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
11. No spoil shall be placed into the field/area of community open space west of the development site nor levels changed within this area, unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. Subsequent changes in level shall only be undertaken in accordance with the approved scheme.

Reason: To ensure that an unnatural feature is not created and that the proposals conserve and enhance the landscape and scenic quality of the High Weald AONB, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
12. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in the supporting document, "Ecological Impact Assessment by Lizard Landscape Design and Ecology, dated 13/10/22" and those details shall be incorporated within the landscape management plan to be submitted in accordance with the associated Section 106 agreement.

Reason: To minimise the impacts of development on biodiversity, specifically reptiles, in accordance with paragraphs 174 and 180 of the National Planning

Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

13. Prior to above ground works, specific details of biodiversity enhancements within the site, including in the ancient woodland buffer zone to reduce predation, are to be submitted to and approved in writing by the Local Planning Authority and works shall be completed and maintained in accordance with the approved details.
Reason: To ensure protection of protected species and provide biodiversity enhancements in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.
14. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing [Ref: 200529 SL-01].
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
15. The access shall not be used until visibility splays of 2.4m X 50m are provided to the east and 2.4m X 54m are provided to the west and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
16. The development shall not be occupied until the parking areas and electric charging points have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies TR4 of the Rother Local Plan Core Strategy.
17. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. The proposed garage[s] shall measure at least 3m by 6m (internally) incorporating space for cycle storage.
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR4 of the Rother Local Plan Core Strategy.
19. The development shall not be occupied until a cycle parking area has been provided for each unit in accordance with the approved plans, (via use of the garage/shed to be provided for each unit) and the area[s] shall thereafter be retained for that use.
Reason: In order that the development site is accessible by non- car modes and to meet the objectives of sustainable development having regard to Policy TR4 of the Rother Local Plan Core Strategy.

20. No lighting shall be provided on the site unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m ²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Environmental Zones

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low brightness	districtVillage or relatively dark outer suburban locations
E3	Suburban	Medium brightness	districtSmall town centres or suburban locations
E4	Urban	High brightness	districtTown/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Reason: To prevent light pollution/overspill/obtrusive lighting in the interests of the amenities of adjoining residents, to protect the dark sky environment and local biodiversity within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii) (iii) RA3 (v) EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2, DEN4 and DEN7 of the Development and Site allocations Local Plan.

21. The dwellings 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 dwellings 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 dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwellings 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 Development and Site Allocations Local Plan.

22. The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwellings in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.

23. 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 and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

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

24. If within a period of 10 years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the 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.
2. 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.
3. Authority's requirements associated with the development proposal will need to be secured through a section 278/106 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.
4. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
5. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife

protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.

6. Southern Water require a formal application for connection to the public sewerage system in order to service this development. Their initial assessment of the application does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
7. 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 and/or Accessibility and Wheelchair Housing Standards 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.
5. The Highway Authority would wish to see 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.
(Attach Highway Form HT401 to decision)

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.