

For: Development Control North Sub-Committee
Date: 11 January 2007

WD/2006/2173/MEA - LAND AT BIRD IN EYE (NORTH), FRAMFIELD ROAD, UCKFIELD.

Summary of Proposal

Major Application with Environmental Assessment application for:-

MIXED USE DEVELOPMENT OF LAND TO PROVIDE AT LEAST 300 DWELLINGS (INCLUDING 30% AFFORDABLE HOUSING), 930 SQ.M. OF B1 BUSINESS USE, FORMAL AND INFORMAL OPEN SPACE, ACCESS ROADS AND HIGHWAY IMPROVEMENTS INCLUDING FOOTPATHS, LANDSCAPE PROPOSALS AND ENVIRONMENTAL ENHANCEMENTS.

Received date: 1 November 2006
8/13 week date: 31 January 2007

Parish: Framfield
Ward: Framfield
Grid Ref: 548064 121003

Recommendation

Planning permission BE REFUSED for the reasons to be circulated under separate cover.

Reason for Referral

This application is being referred to this Sub-Committee as determination falls outside the current scheme of delegation.

Consultations

Highway Authority - No comments received at time of writing.

Southern Water Services - Raise concerns, but DO NOT OBJECT.

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

Conditions and informatives suggested in event of an approval. See main body of report for comments.

Head of Policy and Environment - OBJECTS to application.

The proposed site is situated outside the development boundary identified in both the adopted Wealden Local Plan (November 1998) and the Non Statutory Wealden Local Plan (approved 2005). Therefore, the proposal involving the provision of 300 dwellings in the countryside is contrary to planning policy GD2 (in both the adopted and Non Statutory Local Plan) which resists development outside the development boundary unless it is in accordance with specific policies in the plan.

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South East England Regional Assembly - No adverse comment.

On the basis of the scale of the proposal, the South East England Regional Assembly does not consider the application to be regionally significant.

South East Water Ltd - No comments received.

Natural England – NO OBJECTION.

The outline mitigation proposals for protected species found on the site are broadly in accordance with Natural England guidelines and we are not aware that they are likely to be adversely affected by the proposal. One area that could be improved is the addition of tree planting either side of hedgerow cut-throughs to reduce loss of connectivity for dormice (should they be present).

Arboriculture and Landscape Section - OBJECTS to application as submitted see main body of report for comments.

Fire Safety Officer - No comments received.

Waste Management - No adverse comments.

The properties will need space for 2 x 240 litre wheelie bins and a blue box and white sack for recycling.

Sussex Wildlife Trust - OBJECTS to application.

Site is a greenfield one beyond development boundary.

Was removed from draft Local Plan.

No ecological information has been submitted to inform decision making so it is not possible to assess potential damage to biodiversity in the area.

Environment Agency (Sussex Area Office) - NO OBJECTION.

Confirm that it is considered that the the submitted Flood Risk Assessment (FRA) to meet the requirements of Planning Policy Guidance Note PPG25 "Development and Flood Risk" and that the proposed development is in accordance with the guidance contained therein.

Conditions suggested in event of an approval.

Economic Development Officer - No comments received.

Police (Crime Prevention) - No comments received.

Technical Services - No comments received.

Pollution Control - OBJECTS to application.

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Concerns regarding noise, particularly around existing industrial area on site. See main body of report for detailed comments

Housing Department - NO OBJECTION.

The provision of new affordable housing is a key strategic objective of the Council and in general terms the Housing Department welcomes this outline application to develop this site and provide a mixture of both private and affordable housing.

Regarding policy HG4 of the Draft Local Plan, this requires sites exceeding the revised thresholds to designate 30% of units as affordable housing. In terms of this development that will equate to approximately 90 units. Discussions have taken place with the developer and a guide to the size and tenure of the units has been given. See main body of report for further comments.

GOSE (MEA) - No adverse comments.

ESCC - Development Contributions - No adverse comment subject to s.106 agreement.

Having regard to the County Council's adopted Supplementary Planning Guidance "A New Approach to Development Contributions" and Adopted Wealden Local Plan (1998) and the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005), financial contributions are required in the order of **£79,700**. See main body of report for detailed comments.

ESCC - Strategic Planning - Comments outstanding at time of writing.

ESCC – Archaeology - No adverse comments.

The Environment Statement chapter on archaeology is generally thorough though it focuses primarily on below-ground archaeology (2.1) but then goes on to say (2.3) that the report covers the impact on the archaeological 'resource'.

There is a lack of information on the site topography (see main body of report for comments), integration with historic landscape considerations and on the palaeo-environmental potential in the valley and along the valley margins.

East Sussex and Weald NHS Primary Care Trust – OBJECTS.

Disruption during construction from noise and disturbance. Construction workmen will try to use the hospital for parking – the current provision is inadequate for our own needs. A condition must be placed on the developer to ensure that hospital staff, patient and visitor parking are not compromised.

The proposal represents an intrusion to the visual aspect enjoyed by patients in hospital. Studies have proved that observable views have a therapeutic affect on patients. This proposed development will have a negative effect. The proposals appear to show a provision for parking that is well below planning guidelines. This will lead to residents trying to use the hospital car park which is totally unacceptable. The layout of the site is too close to our boundary resulting in the hospital being overlooked. This will be intrusive to our clinical work, some of which is of an extremely sensitive nature and

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patient welfare will be affected by being able to be observed by residents. The proposal as it exists represents an overdevelopment of the site. As a consequence the residents will seek open space for recreation and trespass on our site giving rise to security problems.

Framfield Parish Council - OBJECTS comments are:

The current proposal is part of an original 2002 scheme, considered by Councils in 2003 and subsequently removed from the WDC Local Plan. The northern part of that scheme is what is now being proposed. This was previously aired as a separate development in 2004 at a presentation by developers to Framfield Parish and Uckfield Town Councils when considerable objections were raised.

Earlier this year basically the same proposal was the subject of a presentation to the public in Uckfield. On every occasion Framfield Parish Council has made it very clear to developers and agents that the proposal is part of Framfield Parish, there are considerable issues involved and inevitably there would be Strong objections.

The original application which included this area was rejected for inclusion in the WDC Local Plan in 2004.

Traffic

The Framfield Road is already a very congested area with significant bus, car and lorry traffic. If built, this development could have in excess of 450 extra vehicles and approximately 2-3,000 vehicle movements per day. Buses already have some difficulty negotiating the congested Framfield Rd. and delays to timetables are not uncommon as a result. The emergency services equally have difficulty at times because of volume of traffic and parked vehicles. The area ambulance station will be close to the access to the proposed development and some impact on response times must surely be a possibility.

The extra traffic generated by this proposal will add to the already difficult situation in Uckfield, which is widely recognised particularly by ESCC Highways who are well aware of the difficulties concerning Framfield Rd. These vehicles can be expected to disperse in all directions each morning and converge each evening. The B2102 through Bird in Eye will carry this traffic and many drivers wishing to avoid the already notoriously congested Framfield Road and Uckfield Town Centre, would use Sandy lane to give them access to Buxted/Maresfield and the A272 east/west and the A22 north. People travelling South would use Brookhouse Lane at the, almost blind, corner by the Hare & Hounds in Framfield to give access to the Uckfield by-pass and A22 south and A26 to Lewes.

Those going east to Heathfield will have to go through Framfield. People endeavouring to reach Uckfield commercial and industrial locations will have no alternative except Framfield Road and Uckfield High Street. This added congestion could only be resolved if car parking was virtually banned from Framfield Road and policing of this measure enforced to a level regarded as unacceptable by residents.

It is our understanding that educational services, particularly primary level, in the area may not be adequate for the likely number of children from this proposed development. The likely answer is for even more school run type traffic spreading over an even wider

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area than present. This would be particularly so if the admirable Framfield school attracted pupils from the new development as the only safe means of access would be by vehicle in the total absence of footways/pavements in that area. This would then, of course, add significantly to traffic congestion within Framfield village especially in the direct vicinity of the school where there is already difficulty for through traffic and the inherent danger for children.

Infrastructure

The current medical services, i.e. GP surgeries, serving the Uckfield area are currently oversubscribed. There is no provision to extend these facilities to cope with the potential needs of new residents on the scale proposed. In the same light, such a development would require a water supply and sewage disposal, again there is no provision to cope with these issues and current facilities are overstretched.

Flooding

The ongoing controversy about Uckfield's flood alleviation schemes or lack of will only be aggravated by this development. Development on Bird-in-Eye cannot possibly alleviate flood problems, due to its location with no areas able to withhold large volumes of water between Bird-in-Eye and Uckfield. The possibility of flash flooding will increase due to this proposed development's size.

Greenbelt

The position of this development within Framfield Parish is blatant Town creep into the countryside and represents a significant visible loss of environment for residents. The need to maintain gaps between the town and country is clearly recognised nationally.

Rural Identity

The proposed development would impose around 300 dwellings, maybe 600 adults and approximately 100 children, on a rural Parish. This one large housing estate might well, therefore, comprise about one quarter of the Framfield Parish electorate but in perhaps one thousandth of the land space. This imbalance is likely to be further exacerbated when new residents discover they are technically part of a rural Parish rather than Uckfield Town.

It is realistic to assume that virtually none of the new residents will work within Framfield and probably not that many in Uckfield either. The prospect of the development being a dormitory which emits significant volumes of commuting traffic is to be avoided.

Uckfield Town Council – OBJECTS.

Uckfield Town Council objects to the fact that it was not consulted regarding this application, although it was asked to comment on previous applications for this site and on the removal of the site from the Non Statutory Plan. Although technically in Framfield Parish the proposed development is really on the outskirts of Uckfield and will depend on Uckfield for most local services. For this reason it is likely to be incorporated into Uckfield on the longer term.

Similar, if not identical, objections raised as per Framfield Parish comments (see above).

Local Residents

55 letters of objection have been received. Issues raised relate to:

- Site outside Local Plan designation.
- Access, highway safety and congestion. Off site highway survey is flawed and does not reflect true conditions.
- Flooding.
- Infrastructure; local resources already overstretched including local hospital and schools.
- Contribution to out commuting.
- Poor accessibility: incoming residents would be car dependant.
- Impact on open countryside and open farmland area.
- Adverse impacts on wildlife and ecology.
- Disruption during construction.
- Increased noise and disturbance.
- Would set a dangerous precedent regarding land beyond development boundary.

In addition, a holding objection to the application has been received from planning consultants representing 'Gleeson Land', which promises detailed objections to be submitted under separate cover. No further comments had been received at the time of writing.

Planning History

There is no specific history on the site relevant to considerations.

Main Issues

- a) Principle of development.
- b) Accessibility of the site.
- c) Impact on the convenient and safe use of the surrounding highway network.
- d) Impact of the development on the floodplain of the River Uck and Framfield Stream.
- e) Whether there is sufficient infrastructure to sustain the development.
- f) Quality of environment for incoming residents, particularly as a result of existing uses on site.
- g) Whether redevelopment would be in harmony with features of ecological significance on site.
- h) Impact on existing trees and hedgerows, particular the designated Ancient Woodland adjacent to the site.
- i) Disposition of buildings and uses, masterplan of the site.

Key Policies

Policies S1, S2, S3, S4, S6, S22, H1, H3, TR1, TR3, TR4, TR5, TR16, EN1, EN11, EN18, EN21 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

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Policies GD2, EN1, EN2, EN5, EN8, EN12, EN13, EN14, EN16, EN27, DC17, HG1, HG2, HG4, HG5, HG6, HG7, TR3, TR9, TR13, LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.

Policies UC1, GD1, NE1, NE3, NE7, NE14, NE15, NE16, BE1, HG1, HG4, HG7, HG8, HG9, TR2, TR5, LR2, LR4, CS1, CS2, CS4 and CS5 of the non statutory Wealden Local Plan 2005.

Comments

The Site

The site is located approximately 1.4km south-east of Uckfield town centre, to the north of Framfield Road/Bird in Eye Hill, a principal public transport corridor in Uckfield. The entire site lies in an area outside of the Uckfield development boundary in the adopted Local Plan and Non Statutory Wealden Local Plan Interim Guide for Development Control (2005).

The site is bounded by existing residential development to the north, south and west. Framfield Road/Bird in Eye Hill (B2102) forms the southern boundary to the site. The railway line forms the northern boundary to the site, with Uckfield town centre and residential development beyond. The River Uck lies to the north. The western side of the site adjoins the New Town area of Uckfield, whilst open countryside lies to the east of the site.

Current Uses

The site is in agricultural use most of which (9.9ha) is permanent pasture, which is used for the production of hay. It has been in this use for many years and forms part of a mixed agricultural and equestrian unit extending to some 80ha. However, the parcel closest to the urban fringe (approximately 1.2ha) has been abandoned as farming has become unviable as a result of high levels of trespass. A single field (1.8ha) is in separate ownership and is no longer in active agricultural use.

Physical Characteristics of the Site

The landscape features of the site include:

- An irregular field pattern with a network of copses and hedgerows; strong lines of trees enclose the eastern and south-eastern site (designated as Ancient Woodland)
- Boundaries of the site;
- Woodland blocks and copses within the Uck valley;
- Larger specimen tree groupings at Manor Park and Park Wood, both of which lie to the north;
- Vegetation along Framfield Stream and the railway line; and
- Urban development within Uckfield.

Surrounding Uses

There is an existing industrial estate extending to 0.5ha, situated centrally and close to the northern part of the site. The existing uses comprise a range of employment uses falling within the B1 and B2 Use Classes.

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Residential development lies surrounded by the south-west part of the application site with access from a private road off Bird in Eye Hill.

The urban area of Uckfield lies to the north, south and west. Agricultural land lies to the east.

Natural Environment, Statutory and Non-Statutory Designations.

The site has no designations, but the area to the north of the employment site is designated as an area at high risk of flooding. The County Council has also advised that the site is archaeologically sensitive.

Landscape designations beyond the site include:

- The High Weald Area of Outstanding Natural Beauty (AONB) which lies to the north-east of the site, on the edge of the plan area;
- An historic park and garden, containing a Site of Special Scientific Interest (SSSI) at Manor Park;
- Hempstead Wood (to the north-east of the application site) and
- Nightingale Wood (south of the application site), both Ancient Woodlands;
- Listed buildings within Uckfield and at Bird in Eye Farm; and
- Trees protected by Tree Preservation Orders, within the Uck valley.

The site lies outside the High Weald AONB and it is not situated within any of the District's Conservation Areas.

The application

The submitted application is in outline with all matters reserved except access.

The proposal includes:

- Around 300 dwellings, consisting of both open market and 30% affordable housing.
- B1 business uses, comprising approximately 930 square metres.
- Formal and informal open space for recreation and leisure, along with provision for habitat creation and protection.
- Comprehensive surface water drainage strategy.
- Access roads and other highway improvements, coupled with pedestrian and cycle facilities.
- Landscape proposals and environmental enhancement.

The application has been submitted with an Environmental Statement, notwithstanding the fact that the outcome of the screening process was that the scheme was unlikely to be Environmental Impact Assessment (EIA) development. The term EIA describes the procedure to be followed for certain types of development before they can be given 'development consent'. The procedure is a means of putting together, in a systematic way, an assessment of the projects significant environmental effects.

The proposals are that a central access (spine) road is provided through the site along the alignment of the road which presently serves the industrial units located to the north end of the application site. The industrial area is to remain as at present. The existing right of way to the site is also maintained as existing, whilst improvements to the

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junction with the Framfield Road area are detailed in the accompanying Environmental Statement.

Development would be served to the west and east of this spine road with residential parcels located in the western part of the site backing onto the properties fronting Framfield Road to the south. This land slopes down towards the River Uck and Framfield Stream but the development would be restricted to the area defined in the submitted Water (Drainage and Flood Risk) Assessment (Volume two of the Environmental Statement) so that no development would be proposed in the area liable to flooding. Balancing ponds are proposed on the periphery of the site in this area to provide for a suitably controlled flow of surface water run off to the water courses.

To the east of the spine road there would again be mainly residential development especially in the eastern and north eastern parts of the site. In addition to this, and abutting the established industrial complex where the Scaffolding Plant is located (as referred to in Policy UC1 of the 2003 draft local plan) an area of B1 employment development extending to 930 square metres is proposed. The applicant has suggested this would provide for the mixed use element of the application scheme, at the same time as securing screening between the existing industrial complex and the proposed residential development. The intention is that this arrangement would mitigate and avoid any noise nuisance. On the northern periphery of this part of the site a balancing pond is to be provided to restrict surface water runoff.

There is a substantial area of woodland to the east of the site, designated as ancient woodland in the Wealden Ancient Woodland Survey 2005. This would be retained and complimented by additional structure planting to the east and south east of the site.

The applicant has advised that the scheme has been designed to accord closely with the provisions of policy UC1 of 2003 draft Local Plan, notwithstanding deletion of the policy and allocation by the Council. In this regard areas of informal open space are to be provided within the areas liable to flood adjoining the Framfield Stream and River Uck together with a footpath network through the same. This would be available for recreational use both by existing and future residents of the development.

Policy Context

The application site is located outside of the development boundary for Uckfield, as defined in the adopted Wealden Local Plan, and is therefore contrary to Policies GD2 and DC17 of that Plan. Accordingly, the application has been advertised as a 'departure application' because it is not in accordance with the development plan for the area. However, it is considered that the need to meet the District's housing land requirements over the period to 2011, and to make provision for affordable housing to meet local housing needs, is a material consideration in the determination of this application.

Policy H1 of the approved East Sussex and Brighton & Hove Structure Plan 1991-2011 contains a requirement for the provision of 4,400 new dwellings within Wealden over the period 2006-2011, including 3,300 dwellings on new allocations of housing land. The adopted Wealden Local Plan does not make any provision for new allocations of housing land to meet the District's Structure Plan housing requirements over the period 2006-2011, and it is within this context that the non-statutory Wealden Local Plan was

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approved by the Council for use as an Interim Guide for Development Control on 14 December 2005.

The non statutory Local Plan does not form part of the approved development plan for the area, and hence the weight to be attached to it is less than the adopted Plan. However, the extensive work undertaken in its preparation affords the non statutory Local Plan some status as a material consideration to be taken into account in determining planning applications.

Alternative sites for housing development in and around Uckfield to help meet Wealden's housing land requirements over the period to 2011 were considered by the Council during the preparation of the non statutory Local Plan, as set out in the reports and minutes of the Wealden Local Plan Review Special Review Committee. The specific consideration given to the application site as part of this process is set out below.

The application site was originally proposed for housing purposes in Policy UC1 of the First Deposit Draft Wealden Local Plan Review, which was published by the Council for consultation purposes in January 2003. At this time, the site formed part of a much larger housing allocation for 500 dwellings at Bird in Eye Hill, comprising land both to the north and south of the B2102 Uckfield to Framfield Road. 237 objections were received to this larger allocation, raising concerns in relation to the increase in traffic on the local highway network, the risk of flooding, the impact on the landscape, the inadequacy of local services, the proposed pedestrian and cycle links, the need to re-locate the scaffolding business at The Yard, the proposed public open space, the extent of the allocation, the impact on wildlife, the amount of affordable housing, and the impact on the rural nature of Framfield Parish.

These objections were considered by the Wealden Local Plan Review Special Review Committee on 15 December 2003, following which Members resolved to recommend that the land east of Framfield Stream, which formed part of the Bird in Eye Hill allocation (including the application site), should be deleted from the draft Plan, and that the remaining part of the allocation, land west of Framfield Stream (accessed from Mallard Drive), should be retained (WLPRSRC Minute 03/13).

Further consideration was given to Policy UC1 and the wider allocation of land at Bird in Eye Hill at the meeting of the Wealden Local Plan Review Special Review Committee on 29 March 2004. Officers' reported that the Highway Authority had examined a revised parking and traffic management scheme for Framfield Road and agreed that this new scheme would improve the free-flow of traffic and safety and allow the development traffic associated with the Bird in Eye Hill allocation to be accommodated whilst at the same time maintaining acceptable levels of parking. The Highway Authority was therefore expected to withdraw its earlier objection in this respect. Members were also advised that a flood risk assessment had been submitted for the site north of Bird in Eye Hill which demonstrated to the satisfaction of the Environment Agency that the development itself would not be at risk of flooding nor would it increase the risk of flooding elsewhere (WLPRSRC Minute 04/08).

However, in the light of the Committee's recommendation that all the land east of Framfield Stream (including the application site) be deleted from the Bird in Eye Hill allocation, Members also considered a number of alternative sites for housing

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development in Uckfield and endorsed the officers' conclusion that land at Cysley's Farm (north of Eastbourne Road) and land at Sandpits (west of Lewes Road) should be allocated for housing development, subject to a satisfactory resolution of the highway safety concerns at New Road and the overall conclusions on the housing distribution strategy following consideration of the other Low Weald towns and villages (WLPRSRC Minute 04/08). New policies for the housing allocations on land north of Eastbourne Road and Sandpits, together with an amended policy for the remaining part of the Bird in Eye Hill allocation (re-named 'Land north of Mallard Drive) were subsequently considered and endorsed by the Wealden Local Plan Review Special Review Committee at its meeting on 19th July 2004 (WLPRSRC Minute 04/18)

The Bird in Eye Hill allocation to the east of Framfield Stream (including the application site) was given further consideration following the public representations received to the Revised Draft Wealden Local Plan Review, published for consultation purposes in November 2004. 24 objections were received to the deletion of the land east of Framfield Stream from the amended housing allocation proposed in Policy UC1 of the Revised Draft Plan, arguing that the site represents a more sustainable location for housing development and is better contained within the landscape compared with the alternative sites allocated in Uckfield, it is the only site capable of delivering a new pedestrian/cycle link across the railway and the River Uck, the site could produce significant benefits in terms of public open space and that a reduction from 500 to 400 dwellings in the total number of dwellings allocated in Uckfield is inconsistent with the Council's earlier assessment of the town's capacity to accommodate a significant proportion of the District's housing land requirements.

These objections were considered by the Wealden Local Plan Review Special Review Committee at its meeting on 10 May 2005 when Members concurred with the officers' conclusion that no change be made to the Revised Draft Plan in response to the representations received (WLPRSRC Minute 05/12).

The recommendations of the Wealden Local Plan Review Special Review Committee were subsequently considered by a Joint Meeting of the Development Control North and Development Control South Sub-Committees on 20 May 2005 before being put to the Cabinet on 27 June 2005, when it was resolved to recommend that the Council approve the Revised (Non-Statutory) Wealden Local Plan for use as an Interim Guide for Development Control, subject to the judgment of the current appeal to the Court of Appeal on the legality of the Council's decision to abandon the statutory plan and an amendment to Policy BE9 (Decision 41/2005).

Following a favourable judgment from the Court of Appeal, the Revised Wealden Local Plan was considered by full Council at its meetings on 9th November and 14 December 2005. No further amendments were agreed to the sites allocated for housing purposes when the Council approved the non-statutory Wealden Local Plan as an Interim Guide for Development Control on 14 December 2005. Accordingly, the application site is not included as a housing allocation in the non statutory Local Plan and remains outside of the development boundary for Uckfield, as defined in that Plan. The proposed development is therefore in conflict with the policies of both the adopted Wealden Local Plan and the non statutory Wealden Local Plan.

Layout and design

Whilst the application is outline with siting, design, external appearance and landscaping being reserved matters, the application is accompanied by a Design Statement which sets out the design approach and key development principles for the site. Included within this document are a series of plans showing the development concept, culminating in an illustrative masterplan proposal and a landscape strategy.

The submitted Design Statement includes a site analysis which addresses the characteristics of the application site, its relationship with its immediate surroundings, and views into, over and out of the site, in accordance with Policy BE1 of the non statutory Local Plan. This aspect has in general been well thought out. However, there are various matters which it is considered could be addressed in an alternative way. Notwithstanding the fact that layout is a matter reserved for future considerations, initial thoughts on this are as follows:

A fundamental point is that (according to the supplied photographs) reference is being made mainly to the existing character of buildings within the older, northern part of Uckfield - principally in and around the Conservation Area. This part of town incorporates a very diverse range of buildings of different periods, styles, materials and sizes. The applicants Design Guide appears to have plucked out a menu of elements from this diverse range of buildings - and intends to use this menu for the design of the new properties.

The nearest and indeed virtually adjacent part of Uckfield is the 'New Town'. This was the area to the south of the river which was mainly developed within a comparatively short period of time from the mid Victorian to the Edwardian periods. The area, as expected from a New Town was largely developed up until the Edwardian period within a distinct grid pattern of main and sub streets. Houses of modest scale built as terraces are the predominant building form, with larger semi detached houses mainly along the principal streets, and some 1920/30's detached and semi detached houses mainly around the peripheral area built around a looser street form of crescents and closes.

The character of New Town to a large extent defines the character of the southern part of Uckfield (i.e. south of the river). The houses in the New Town, whilst for the main part of modest scale, show some fundamental principles of building design. The townscape likewise has aspects which could usefully inform new development at medium to high density. Assuming the Bird in Eye site is to be developed, it is felt that it would be more appropriate for the built form to take its cues from the nearby New Town of Uckfield in terms of layout and building type/design.

The scheme does indicate the use of buildings of up to 4 storeys are for the high density housing area, particularly along the higher ground around the main access area. Buildings of this height are likely to be highly obtrusive in the landscape and this is not considered appropriate here. In general, the preference would be to restrict higher buildings to the lower areas.

Whilst the layout includes equipped children's play space, indicated on the illustrative masterplan, the scale of provision should relate to the demand generated by the number of people likely to occupy the development, using the dwelling occupancy rates set out in Appendix 4 of the non statutory Local Plan. As this is an outline application

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and the size of the dwellings is not known at this stage, officers cannot be precise about the amount of children's play space that will be required for the development.

There is also concern that the rear parking courtyards indicated on the illustrative masterplan do not meet good practice standards as set out in "Secured by Design". In order to deliver safer places and sustainable communities, crime prevention should be considered as part of the design process. It is unusual that the Crime Reduction and Architectural Liaison Officer at Sussex Police has not commented. Access ways, parking areas, public spaces, private amenity areas and all elements of the external environment should be designed to create a safe and secure environment and to minimise opportunities for crime. It is considered that the proposed rear parking courtyards do not provide an adequate level of natural surveillance. The Council normally seeks the provision of some houses within such areas in order to provide adequate overlooking and to create a quality space with a sense of ownership and community. Furthermore, some of the parking courtyards indicated do not appear to be practically located to the dwellings they serve. The use of underground parking is suggested but it is strongly suspected that these elements would disappear at any future submission stage.

Whilst there appears to be some advantages to this proposal in terms of public access to, and management of the land, officers remain unconvinced that the survey data provided for ecological studies allows the Council to properly make a decision to approve this application. The landscape and biodiversity officer has drawn attention to the need for appropriate survey at a very early stage under PPS9 (and current English Nature advice) regarding ecology survey, under BS5837 (2005) for tree surveys and the Landscape Institute's guidance on visual impact. Sussex Wildlife Trust share these concerns, but Natural England has the Council advised that they raise no objection to the application.

The outcome of very careful deliberations on this point is that there are unresolved issues relating to landscape management, habitat enhancements, pedestrian and cycle links, layout, space allocation for buffer zones between the built form and retained natural features (including adjacent ancient woodland - Wealden Ancient Woodland Survey 2005). These unresolved issues would seem to indicate a refusal of outline consent at this stage although it may well be that these issues could be addressed through more detailed survey work.

The proximity of dwellings to the ancient woodland trees along significant edges of the development and the issue of overshadowing of habitable rooms is also a concern. This is likely to lead to pressure from the future residents for crown lifting, thinning and reduction, which could be detrimental to the ecological value of the ancient woodland.

There is also concern that the excavation works required in association with blocks on the outside edge of the layout could be damaging to the health of ancient woodland trees along its southern and eastern edges.

Access and Traffic Impact

There is no doubt that this issue has troubled many if not all of the local residents who have submitted comments, coupled with Framfield Parish and Uckfield Town Council. There are also strong reservations about affects on the capacity of Uckfield town centre.

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As stated in the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005), the Highway Authority requires any development in Uckfield generating a 2% or more increase in traffic to contribute to a traffic management solution that will overcome congestion in the town centre. The applicant has confirmed that they are prepared to offer an appropriate financial contribution in line with ODPM Circular 05/2005 towards the implementation of any necessary traffic management measures. However, a preferred solution to the congestion in the town centre has yet to be developed or agreed by the Highway Authority.

Members will no doubt be aware from discussions on other major applications in the Town that no formal objections were submitted by the Highway Authority to the sites allocated for housing in Uckfield, including the current application, in the Revised Draft Wealden Local Plan. Whilst an objection from the Highway Authority was received to the text of the Revised Draft Plan in respect of the section on 'Highways' in the Uckfield Chapter, this objection was withdrawn after another form of wording was agreed (and subsequently incorporated in the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005)).

Access is shown from an existing access point off Bird in Eye Hill, and access improvements and traffic calming on Bird in Eye Hill are proposed.

The Transport Assessment submitted with the application suggests that the increase in traffic associated with the proposed development will not be detrimental to traffic flows on the immediate highway network. No significant impact is predicted on Framfield Road, although a pre-requisite of this is a series of measures along that route shown in detail on the off site highway plan.

The existing site access is a priority T-junction, and it is proposed to improve this to a ghost island priority T-junction with improved visibility.

Pedestrian and cycle routes to the town centre and to the school are shown in off site works. The proposals include a commitment to contribute to provide the following:

- Improved street lighting;
- Surface upgrading;
- Drop kerbs and tactile paving;
- Improved signing; and
- Widening to provide footpath linkages and cycle paths.

Elements of this work are significant: particularly along Bird in Eye Hill, where incursions into highway land in order to secure footways and cycle paths have the potential to affect existing trees and roadside vegetation that are characteristic of the area. In addition to the general 'urbanising effect' of these works, there are concerns about the impact on a semi-mature beech tree on the south side of Bird in Eye Hill, and an Oak tree close to an area shown for new bus stop and lay by.

The scheme also suggests that funding could be secured to construct a foot/cycle bridge between the site and Uckfield Town Council land to the north of the railway, and make the necessary land available on-site for the construction of the bridge. Delivery is suggested via the local transport plan process promoted by ESCC, and this process will

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include securing the air rights over Third Party land, an approach that has apparently been agreed with ESCC.

It is understood that of site highway works have been worked up in close liaison with ESCC highway department. However since their comments were outstanding at the time of writing this report, the acceptability of this package remains undetermined. There is little option but to update Members on this point when ESCC highways have submitted their views, hopefully before the Sub-Committee meeting.

Officers are able to advise at this stage that there are serious concerns about the suggested mechanism to secure the necessary bridge link over the railway line and stream. It is not sufficient to deal with the matter through the Local Transport Plan simply because that would imply uncertainty and that the route *may not* be secured. The importance of the bridge link can not be overstated. The absence of a mechanism to secure this upon grant of planning permission would be sufficient reason alone to justify withholding consent. The point being that this feature affects the accessibility of the site to essential features, as set out in Policy UC1 of the 2003 draft Local Plan, and latterly Policies TR1 and TR2 in the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005) and Policies TR3, TR4 and TR5 of the East Sussex and Brighton & Hove Structure Plan. As a result it is closely linked to the principle of development on the site.

Drainage and Flood Risk

The application site lies on the slopes above Framfield Stream, just upstream of its confluence with the River Uck, and in view of the serious consequences of the flooding that occurred in Uckfield in October 2000, it is important that flood risk is effectively managed and controlled. A combined Flood Risk Assessment and Drainage Statement, incorporating preliminary designs for the disposal of surface water run-off from the site, has been prepared in compliance with PPG25, *Development and Flood Risk*, by consultants acting for the applicants.

This assessment, which has been approved in principle by the Environment Agency, confirms that the proposed development will not be at risk of flooding nor will it increase the risk of flooding elsewhere. This is subject to a series of measures secured by condition in any permission. The proposed housing development itself is located above flood levels recorded during the October 2000 floods and will not be at a significantly increased risk of flooding as a result of climate change.

Guidance given in PPG25 identifies that full consideration needs to be given to using Sustainable Drainage Systems (Suds) as the preferred option for surface water drainage, which aim to mimic natural drainage. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements.

Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a Suds approach.

The submission indicates any development would embrace Suds. Under current legislation and guidance Suds rely upon facilities which are not adoptable by sewerage undertakers. Southern Water has therefore advised that the applicant will need to ensure that arrangements exist for the long term maintenance of the Suds facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

The Environment Agency has advised that ecological enhancements must be part of the use of Suds such as wetland areas and ponds. These wetland areas should be designed carefully with wildlife in mind and may also be used for water treatment, a point accepted under section 17.12 of the submitted Environmental Statement. Paragraph 10.29 of the Environmental Statement explains that the design of the drainage strategy for the site would allow opportunities for ecological gain. However, the masterplan shows two 'detention ponds', described as 'dry attenuation basins' in the Environmental Statement. These dry ponds could not therefore be considered as ecological enhancements.

Overall the surface water approach could be secured by condition in the event of an approval. The details should require:

- Specify the responsibilities of each party for the implementation of the Suds scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Southern Water has requested that any approval include conditions to secure these details, to be discharged in consultation with them.

In terms of foul drainage, Southern Water has advised the Council that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain a specific location. We are advised that should this application receive planning approval, an informative should be attached advising of the requirement to enter into an agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

Air Quality

The air quality assessment included within the Environmental Statement has concluded that it is unlikely that there will be an air quality issue if the development is permitted. Advice from officers within the Environmental Protection Division of the Council is that they concur with this conclusion as the air quality in the area is good and it is predicted that the impact will be negligible.

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The only exception to this is whilst the development is under construction. During this period it would be important for the mitigation measures indicated in the statement to be implemented to reduce the extent of the area likely to be exposed to dust. Best available means protection should be required in order to also ensure that the level of exposure for those in closer proximity to the site is reduced to a reasonable level. In the report it states that particular extra care should be taken by the developers to protect existing premises that are to the south and south-west of the site along Bird in Eye Hill. These are matters that could be dealt with by condition.

Noise

The assessment indicates that during the daytime the majority of the site falls within NEC A except in the area that borders along Bird in Eye Hill where the noise levels are within NEC B.

At night most of the site falls within NEC A except for a strip that borders the railway.

Advice within PPG24 is that where premises are likely to fall within NEC B, noise should be taken into account when determining planning applications. The guidance states that where appropriate conditions should be imposed to ensure that there is an adequate level of protection against noise.

A BS 4142 assessment has also been carried out and this indicates that there is an excess of 9dB over the measured background noise level. This raises concern since this is very close to the level that indicates that 'complaints are likely'. (BS 4142 states that a difference of around + 10dB or more indicates that complaints are likely). It follows that mitigation should be required in order to ensure that levels of noise are not likely to cause an issue to incoming residents within the development.

Properties overlooking Bird in Eye Hill and the access road and those overlooking the industrial area and business park, as well as properties on the northern boundary overlooking the railway are likely to be affected.

The Environment Statement recommends that measures be adopted in order to protect internal and external levels in habitable areas of premises. In the report it states that two options should be considered to protect internal levels. Firstly that premises should have habitable rooms (bedrooms, living rooms, dining rooms) located so that they do not overlook noise sources. Secondly an alternative that habitable rooms likely to be effected are provided with acoustically attenuated ventilation.

The preference would be to pursue the first option although more detail needs to be provided on the design internally within affected units. The second option is less desirable since it restricts residents choice as to how they ventilate their properties. Since this is an outline application, however, the ability to scrutinise the design and layout of the proposed accommodation is limited.

In addition it is suggested that the gardens in affected properties should be located towards the interior of the site so that they benefit from the acoustic screening provided by the housing. This measure is to protect external levels and it is accepted that this measure as a method of mitigating against noise that is an issue in both garden areas and in any outdoor open amenity areas.

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Whilst the industrial area has been assessed in the report, officers are critical of the methodology and there is concern that the effects of this area have not been fully considered. Measurements were taken of ambient levels but these would only reflect levels during the relative short measurement time period. The industrial area has an established B2 use class and in this type of area noise levels may vary on different days or during different parts of the month/year. In some instances depending on the type of premises involved potential noise levels can be high and the character of the noise perceived to be particularly intrusive. Officers are therefore very concerned that the layout proposes to locate residential units in such close proximity to this area.

Policy in Policy UC1 of the First Deposit Draft Wealden Local Plan Review envisaged relocation of the existing industrial area off the site in order to address this issue. If the site is to be developed, this has to be the preferred option since it would remove the source of noise. There is the possibility of designing in a larger a buffer zone around the industrial area. This zone could comprise of commercial users that would be less susceptible to disturbance from the existing uses on site. It would obviously mean fewer housing units and is not shown within the masterplan. Irrespective of the fact that the design and layout of the site is a reserved matter, there is a concern that the description of development could be achieved without a major adjustment of the illustrative layout. The existing uses on site include general industrial uses that are rarely adjacent to the residential properties, and as a result, it is not considered that the scheme could be supported with the current masterplan layout.

The retention of the existing employment uses on site is a significant flaw here and officers are not persuaded this has been properly addressed in the submission. The consequences mean a poor environment for incoming residents that is almost certain to lead to complaints about the industrial uses that have operated hitherto without the constraint of a sensitive use adjacent to it. It is considered that this would prejudice future viability of the industrial estate and can not be supported.

Affordable Housing

The council can demonstrate a proven need for affordable housing in the area with Wealden's Housing list currently having

- The Housing register indicates that 690 applicants as at 14 November 2006 have identified Uckfield as an area they want to live in.
- The 2005 Housing Needs Survey identified over 410 households who live in the District require a move to Uckfield.
- Plus a further 230 concealed households will be looking to access the housing market in Uckfield.
- 66% of concealed households earn less than £20,00 per annum and therefore any form of low cost home ownership is outside of the range of many individuals.

As a result, the provision of new affordable housing is a key strategic objective of the Council and in general terms the Housing Department welcomes this outline application to develop this site and provide a mixture of both private and affordable housing.

Policy HG4 of the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005) requires sites exceeding the revised thresholds to designate 30% of units as affordable housing. In terms of this development that will equate to approximately 90 units. Officer in the Housing Strategy section of the Council have

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been in discussion with the developer and a guide to the size and tenure of the units has been given. In the event of an approval, the Housing Section would welcome discussions with an aim to securing the identification of an RSL partner, who can deliver and manage the affordable housing on the site and try to secure grant funding for the scheme, ensure that the units meet SDS standards, lifetime homes and eco rating very good.

In order to ensure that a sustainable and balanced community is created, the intention would be to 'pepper pot' the affordable housing units in clusters of up to 10 units in accordance with Policy HG4(5) on this site. To that end it has been indicated that the 90 units would need to be located over at least 10 separate parts of the site.

The table below shows the mix of the affordable housing which the Housing Section would like to see on the site.

No of units	No. of Beds	Unit type	Tenure
6	2	Flats	Shared Ownership
9	2	Houses	Shared Ownership
16	2	Flat	Rent
16	2	Houses	Rent
4	2	Bungalows – wheelchair accessible	Rent
31	3	Houses	Rent
8	4	Houses	Rent

Whilst discussions to date on affordable housing have been positive, there is no completed agreement to secure this on site. If the scheme is refused, a reason should be added to reflect this in order to safeguard the Council's position at appeal.

Archaeology

The County Council has advised that the site is archaeologically sensitive – a fact accepted and addressed by the applicant in their Environmental Statement.

The Environmental Statement chapter on archaeology is generally thorough though it focuses primarily on below-ground archaeology (2.1) but then goes on to say (2.3) that the report covers the impact on the archaeological 'resource'. There is a lack of information on the site topography, integration with historic landscape considerations and on the palaeo-environmental potential in the valley and along the valley margins.

Although it is now fairly standard in EIA for the terms National, Regional, District and Local to be used to represent importance the County Archaeologist is unhappy with the implications that are drawn from this in terms of Impact Significance, particularly in relation to items considered to be of Local Importance. It is important to note that the assessment of significance of any impacts on the cultural heritage resource must take account of its intrinsic value and how much it will be changed. At present there is a lack of specific information about the archaeological resource within the development area. This is noted in the Statement but tends to lead to an assumption that any potential archaeology will be of relatively low (Regional/Local) importance. Whilst this may turn out to be the case, it must be ensured that any archaeological work post-planning is thorough and carried out in accordance with a detailed programme of archaeological work covering all relevant aspects of the archaeological resource.

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The lack of known archaeological 'sites' within the development area is likely to be a factor of a lack of survey and excavation in the past. The record of Mesolithic flint work and a Romano-British iron-working site close by indicate past human activity in the area and therefore potential at the application site also. The present areas of woodland, as well as being important aspects of the historic landscape, may contain archaeological remains and earthworks (such as banks and ditches) that have not yet been recorded. The topography of the application site, located at the western end of a spur overlooking the Uck is variable, with certain areas that are relatively flat but above the flood plain, and these could have been conducive to human activity in the past. The proposed development should aim to maintain the variability and distinctiveness of the site topography, which in part, will be a factor of past land use.

In the light of the present lack of specific information about the archaeology of the site but the potential noted above, The County Council agrees with the mitigation proposals set down in section 8 of the Environmental Statement (Volume 2) and recommend that in the event that planning permission is granted an archaeological condition is applied requiring the applicant to undertake a programme of archaeological work, in accordance with a written scheme of investigation. The aim would be that survey in the form of walkover/topographic survey and geophysical survey would be carried out in the first instance followed where necessary by evaluation trial trenching and soil test pitting and possible fuller excavation, so that any archaeological remains are preserved by record through a process of recording and publication of the results.

Developer's Contributions

ESCC has confirmed that the development would give rise to contributions totally £79,700 and would need to be secured by way of S106 agreement in the event of an approval. The detailed calculation and methodology behind the final figure is on the planning file, but in the general the contribution arises as follows.

The ESCC Director of Children's Services now advises that there is sufficient primary and secondary school capacity in Uckfield to accommodate the additional children that would arise from the development. However, a contribution is required towards the costs of providing additional nursery school places and this is in the order of £53,000. ESCC also requires a contribution towards the cost of providing a new permanent household waste and recycling site to serve Uckfield £21,100 and towards the costs of improving the rights of way network around the town to accommodate the increased use £6,600.

In line with comments made regarding affordable housing above, there is no mechanism to secure these contributions that arise directly as a result of the development. This has to be a specific reason to withhold consent in order that the Council's position in the event of an appeal is not prejudiced.

Other Issues

The applicant maintains that a further potential benefit of the proposal relates to the land identified under Policy UC6 of the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005) concerning the area south of the Victoria Pleasure Ground, which is allocated for public open space.

The applicant, Taylor Woodrow Developments, controls this land. The company are prepared to secure and transfer the ownership of this land to the Local Authority to be

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used for public open space in accordance with the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005) proposals through a Section 106 Obligation, providing the Bird in Eye Scheme obtains planning permission.

Outdoor playing space in Uckfield is currently below the minimum standard recommended by the National Playing Fields Association. The shortfall is estimated at 15 hectares, as shown in Appendix 4 of the Non Statutory Wealden Local Plan Interim Guide for Development Control. Furthermore, the vast majority of the existing provision is in the form of playing pitches for youth and adult use; the current level of provision of children's play space is well below the recommended standard.

In this context, the Sub-Committee will need to weigh the benefits of securing the land south of the Victoria Pleasure Ground, outweighs the harm associated with permitting development on the Bird in Eye North site.

Conclusion

Notwithstanding the fact that comments from the Highway Authority had not been received at the time of writing, the application can not receive the support of officers and is recommended for REFUSAL. This is because: -

The application is contrary to the provisions of the adopted and Non-Statutory Local Plan. There is no compelling case to release additional land to meet defined housing requirements in the period up to 2011.

PPS 3 (paragraph 41) states that when considering planning applications for housing which are received in advance of the relevant development plan document being reviewed, local planning authorities should consider favourably planning applications for housing development:

- (a) where there is evidence of an imbalance between housing demand and supply, having regard to affordability issues and housing market conditions;*
- (b) if the site is suitable for housing development (including land allocated or previously used for industrial or commercial use, which is no longer needed for that use); and*
- (c) the planning proposal makes an efficient use of land, offers a good housing mix, is of high quality design and does not have an unacceptable impact on the environment.*

Whilst the Non Statutory Wealden Local Plan has no statutory status it has been developed with the benefit of 3 rounds of public consultation and agreed by democratically elected members. Indeed, a number of planning applications relating to allocations in the Non Statutory Plan have been submitted and approved. Evidence in the Council's Local Development Framework Annual Monitoring Report for the period 2004-2005 does not suggest a compelling case to release additional land on a basis of undersupply. It demonstrates that through the Non Statutory Plan adequate land has been identified to meet the Structure Plan requirements from 2006-2011. Therefore, it is considered that the proposal, in principle, is not supportable.

In this respect the approval of the application is considered to be premature to developing the vision for the District through our Core Strategy and Site Allocations development plan documents as part of the Local Development Framework. It would prejudice the Council's ability to engage with the wider community about all of the

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relevant options and alternatives for the future. A developer-led approach, notwithstanding the holding of community workshops, does not override the strong policy objections to development here.

There are concerns about the data supplied with ecological surveys, the layout centred around retention of the existing industrial estate on site is flawed and there are concerns about the relationship of development to important trees and vegetation. Whilst the layout is a reserved matter, there is a question mark over the ability to develop the site and achieve the description of development set out in the application.

There is no mechanism to secure the necessary infrastructure required to sustain the development, particularly the bridge link over the railway line and stream. At the time of writing, the off site highway works had not been agreed. Without these, the land remains an inaccessible site on the periphery of Uckfield. Granting permission here would perpetuate dependence on the motor car, clearly at odds with a key central plank of local and national planning policy.

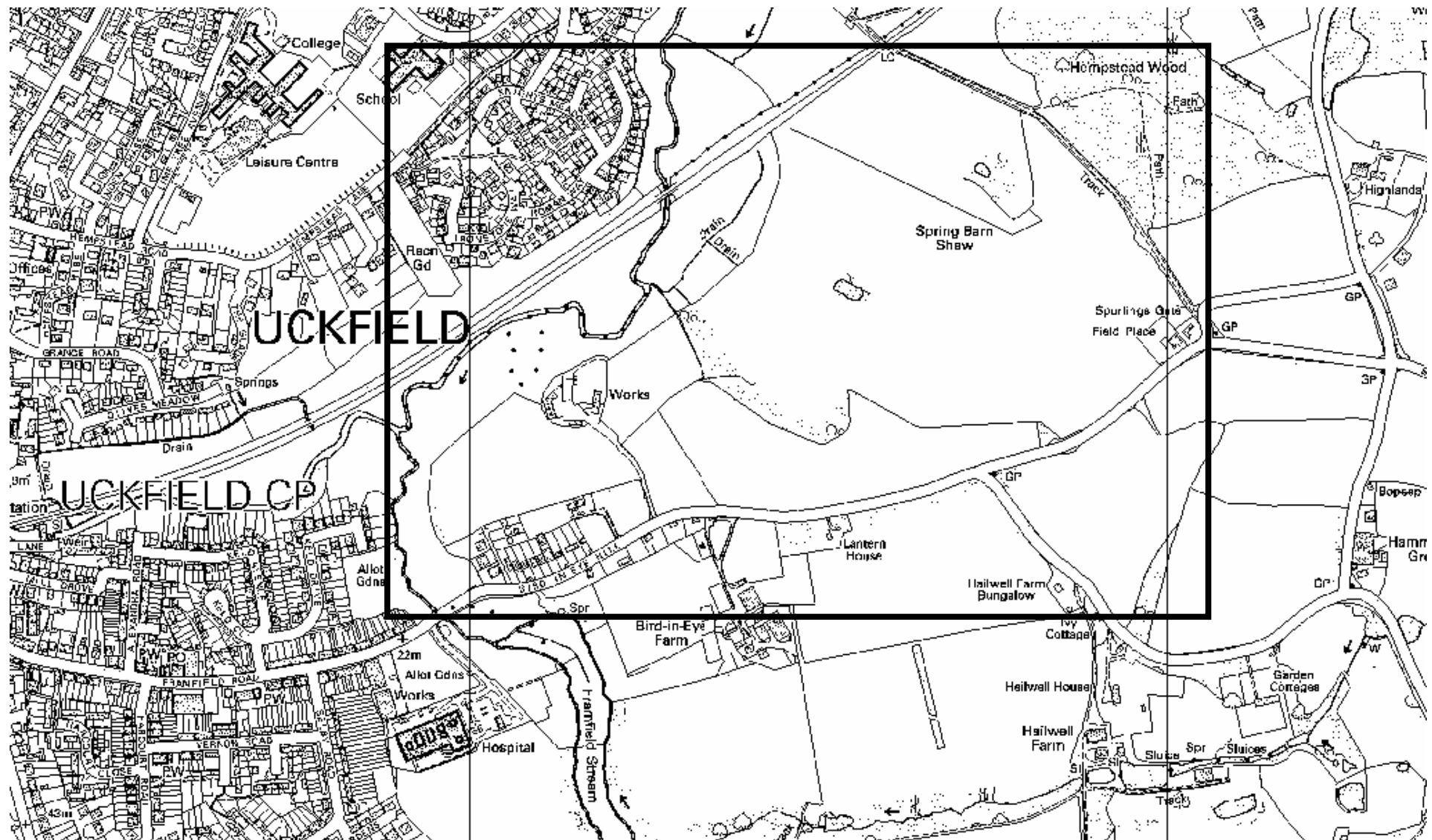
The Environmental Statement and mitigation does not overcome concerns and objections to the development.

Further comments, and the detailed reason for refusal, will be circulated by way of update report prior to the meeting.

Contact points and references

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