



Wealden
District Council
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Town and Country Planning Act 1990

Appeal by Clarence Preston Will Trust and Barham Estates Ltd against the refusal of Wealden District Council to permit an application for outline planning permission for

RESIDENTIAL DEVELOPMENT FOR 750 DWELLINGS; EMPLOYMENT DEVELOPMENT FOR 9,600 SQ.M. OF B1 AND B8 USES; NEIGHBOURHOOD CENTRES WITH PRIMARY SCHOOL, COMMUNITY HALL, LAND FOR COMMUNITY FACILITIES AND SMALL RETAIL FACILITIES; CREATION OF NEW VEHICULAR ACCESS FROM BLACK DOWN ROUNDABOUT (A22) AND EMERGENCY AND BUS ONLY ACCESSSES FROM SNATTS ROAD; CONSTRUCTION OF ESTATE ROADS AND NEW CYCLE AND FOOTWAY CONNECTIONS; PROVISION OF MANAGED COUNTRY PARK WITH WARDEN'S LODGE/INFORMATION POINT AND EDUCATION/INTERPRETATIVE FACILITY, PUBLIC AND AMENITY OPEN SPACE, PLAYING FIELDS AND ASSOCIATED DEVELOPMENT AND CHANGES OF USE.

At DOWNLANDS FARM, UCKFIELD

**Wealden District Council Ref:
WD/2006/2855/MEA**

**Planning Inspectorate Ref:
APP/C1435/A/07/2046982/NWF**

PRE INQUIRY STATEMENT OF LOCAL PLANNING AUTHORITY

1.0 Appeal Site and Surroundings

1.1 Reference will be made to the appeal site and its surroundings insofar as they are relevant to the appeal including

- a. The location of the site in relation to Uckfield and its facilities
- b. The hierarchy of the highway network relevant to the development of the site and the links between the site and the town centre.
- c. Public and private Footpaths
- d. Woodland including Ancient Woodland, and Sites of Nature Conservation Importance within and close to the site.
- e. The topography of the site and its relationship to the surrounding area including Uckfield, and vantage points to and from the appeal site
- f. Development boundary for Uckfield in the Adopted Local Plan and Local Plan Review
- g. Existing Residential development in the vicinity of the application site

1.2 An appeal plan, to a scale of 1:2500 will be produced, showing key elements of the above factors.

1.3 The Council may submit any other material, including photographs and illustrations, to support its case.

2.0 Planning History

2.1 Applications for residential development served by an access off Snatts Road were refused in 1957 and the poultry sheds at Downlands Farm towards the southern corner of the site were permitted in 1965.

2.2 The inquiry will be informed of the stages of the preparation of the Wealden Non-Statutory Local Plan Review which resulted in the appeal site not being allocated for residential development

2.3 Relevant planning permissions and resolutions relating to sites elsewhere in Uckfield will be referred to in the council's evidence

3.0 Consultations

3.1 Reference will be made to consultation responses received, including from

South East England Regional Assembly
East Sussex County Council (ESCC) Highway Authority
ESCC - Development Contributions
ESCC - Strategic Planning
ESCC - Archaeology
Environment Agency
Southern Water Services
Natural England
Sussex Wildlife Trust
CPRE (Sussex)
Police (Crime Prevention)
WDC Housing Department
Maresfield Parish Council
Uckfield Town Council
Local Residents

4.0 Application, subject of Appeal

4.1 The application sought planning permission for development as set out in the head sheet to this statement. It was received complete by the Council on the 29th November 2006 and refused by notice dated 22nd February 2007 following the meeting of the North Area Planning Committee 8th February 2007.

4.2 The planning application was submitted with an Environmental Statement and Transport Assessment

4.3 The application is in outline and according to paragraph 1.4 of the accompanying Planning Statement the only plan which forms part of the application is the 1:5,000 scale plan (ref 01/007/104) which identifies the site of the planning application. The Outline Master Plan (01/007/120) is submitted for information purposes and the council have determined the application on the basis that all detailed matters are reserved for subsequent approval.

The council have also determined the application on the basis of the terms of the Environmental Assessment and Transport Assessment.

4.4 The appeal statement includes the following passage

"This reference (to Blackdown Roundabout) does not imply that this is the the access point for which detailed approval is sought

- 4.5 However, the description of the proposed development on the application form, the outline Master Plan and accompanying documents, including the Environmental Assessment, Transport Assessment (paragraph 4.4) and paragraph 4.4 of the accompanying the planning application have made it clear that access will be from Blackdown Roundabout. For example, paragraph 14.5 of the chapter of the Environmental Assessment on Transport states that the :-

"main access to the site would be via the existing Black Down Roundabout onto the Uckfield Bypass"

Paragraph 5.7 of the EA is similarly unequivocal

- 4.6 The planning application has been determined on the basis of access from Blackdown Roundabout and it is not considered that a new access point can be introduced at the appeal stage.
- 4.7 The appellants are requested to make their intentions clear at the earliest opportunity
- 4.8 Directions have been received from the Secretary of State dated 27th June, and 13th July 2007 relating to matters covered in PPS1, PPS3 and PPG13. A further letter from the Inspectorate, also dated 13th July 2007, has been received drawing the Inspectors attention to PPS9 and the accompanying circular, sections 28g (as inserted in Schedule 9 of the Countryside and Rights of Way Act 2000) and 281 of the Wildlife and Countryside Act 1981

5.0 Planning Policy

- 5.1 The Council will refer to the East Sussex and Brighton & Hove Structure Plan 1991 – 2011 (December 1999), and the Adopted Wealden Local Plan (December 1998). It will also refer to the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005), and review the weight which should be given to each of these documents
- 5.2 There are policies not referred to in the Notice of Decision, which will be referred to in support of the Council's case.

The following policies will be referred to at the Inquiry:

EN6 of the Local Plan and NE 4 of the non-statutory plan relating to the High Weald. Also, EN 8 of the Local Plan and NE7 of Non Statutory

Wealden Local Plan Interim Guide for Development Control (2005) relating to the Low Weald.

EN12 of the Local Plan and NE 12 of the non-statutory plan relating to the retention of trees and woodland

EN15(c) of the Local Plan relating to SNCIs and Nature Reserves

EN17 of the Local Plan relating to Countryside Gaps

BE1 of Non Statutory Wealden Local Plan Interim Guide for Development Control (2005) is also relevant to the impact of development on the landscape and disturbance to existing residential amenities

TR1 of Structure Plan relating to Transport and Environment Strategy and TR4 encouraging walking as a means of transport

5.3 In summary, therefore, the Council's case will consider the following policies in the 3 documents referred to above.

East Sussex and Brighton & Hove Structure Plan 1991 – 2011. (December 1999)

EN1 - The Environment, General Policy

EN17- Nature Conservation Protection

EN24- Archaeological Features

S1 – (a) (b) (c) (d)(k) Criteria for the 21st Century: Sustainable Development

S2 – Infrastructure

S3- Infrastructure (Availability)

S4 - Strategic Pattern of Development

S5- Definition of Development Boundaries

S10 - The Countryside

TR1 – Integrated Traffic and Environment Strategy

TR3 - Accessibility of Development

TR4(d) encouraging walking as a means of transport

Adopted Wealden Local Plan (December 1998)

EN1 - Sustainable Development

EN6-Landscape Conservation of the High Weald

EN8 - Landscape Conservation of the Low Weald

EN12 - Protection of Trees and Woodland

EN13- Protection of Ancient Woodland

EN15(3)- Impact upon SSSI and Local Nature Reserve

EN16 - Impact of New Development on Nature Conservation and Wildlife Habitats

EN17 - Gap between Uckfield , Maresfield and Five Ash Down

EN27 - Layout and Design of New Development

HG3 - Affordable Housing Outside the Development Boundaries

GD2 - Development outside Development Boundaries

DC17 - Housing Development

TR3 - Perpetuates Unacceptable traffic conditions

CS1 - Works required to service the development

Non Statutory Wealden Local Plan Interim Guide for Development Control (2005)

GD2 - Development outside Development Boundaries

DC15 - Housing Development outside Development Boundaries

BE1 - Design Criteria

ENV 7 – Landscape Conservation in the Low Weald

NE 12- Protection of SSSIs and Local Nature Reserves

NE14- Safeguarding Protected Species

NE16-Protecting Ancient Woodland

HG4 - Affordable Housing in New Development Schemes

TR1 - Accessibility of new Development

TR2 - Transport Requirements for New Development

CS1- Provision of Infrastructure

5.4 Reference will also be made to guidance contained within Government Policy documents, including PPS1, PPS3, PPG4, PPS7, PPS9, PPG13, PPG16, PPS23, PPG24 and PPS25, together with other appropriate guidance and documents.

5.5 Documents to be referred to in evidence will also include:

- a) Those emerging from the council's Local Development Framework Process including in respect of Land Availability
- b) East Sussex County Council's formal consultation response on the planning application dated 24th January 2007.
- c) East Sussex Local Transport Plan 2006 – 2011.
- d) Manual for Streets.
- e) TRICS database.

6.0 Submissions

Policy and Land Supply

- 6.1 The Non-Statutory Local Plan identified sites to meet the East Sussex Structure Plan housing requirements for the period up to 2011. The Structure Plan required 880 dwellings per annum to be built in Wealden for the period 2006-11.
- 6.2 The site lies outside of the development boundary in the statutory Local Plan and in the Council's Local Plan Review dated 2005 and is not allocated for residential development in either plan and relevant policies presume against the grant of permission.
- 6.3 The Council is currently unable to prove a 5 year land supply in accordance with the requirements of PPS3.

- 6.4 The Council will demonstrate that there is no compelling and overriding housing supply case to grant planning permission having regard to the provisions of paragraphs 69 and 71 of PPS3.
- 6.5 Planning permissions and favourable resolutions relating to residential estate development in Uckfield are set out below.
- WD/2006/2908/MEA Dated 23 January 2007, relating to Land north of Eastbourne Road, Uckfield
 - WD/2006/2269/MEA Dated 21 December 2006, relating to land at Sandpits, Lewes Road, Uckfield
 - Committee resolution to grant planning permission to Heron Land Developments/Persimmon Homes Ltd/Gallagher Estates Ltd, on Land North of Mallards Drive Uckfield Reference WD/2006/2171/MAO
- 6.6 Judicial Review of these decisions is sought by the appellant. The council's evidence will up-date the Inquiry on the progress of the Judicial Review and evidence will be given on relevant implications for land supply and planning strategy.

Highway Safety and Transportation

- 6.7 On 24th January 2007 East Sussex County Council, in its capacity as local Highway Authority, issued a formal response to the consultation from Wealden District Council. This led to the grounds of refusal 5 and 6 of the planning decision which draws attention to the unacceptable impact of the proposal on the surrounding highway network, including Uckfield town centre, and the absence of necessary infrastructure improvements.
- 6.8 For the purposes of the Local Inquiry, the Highway Authority will submit a proof of evidence to support the objections that were included within its recommendation and the reasons for refusal issued by the District Council to include
- a The location of the site and its relation to the adopted highway will be described.
 - b. Evidence on the extent of additional traffic likely to be generated by this proposal
 - c. Evidence setting out the required operational capacity of the local highway network compared to that which is currently provided/achievable.
 - d. Evidence setting out the required road and junction layouts compared to that which are currently provided/achievable.

- e. Reference to vehicle movements on the surrounding network, together with speed and vehicle crash data along the approach roads.

In the event that the Inspector allows the appeal, the Highway Authority will seek an appropriate Unilateral Undertaking and/or highway conditions.

The County Council has received a plan indicating an alternative means of access from the Uckfield By-Pass and notwithstanding the council's case in paragraph 4.6 above it is considered appropriate to indicate that the revised access is unlikely to be acceptable for the following reasons:

- a. There is a safety imperative to ensure that the number of junctions on to the A22, a primary route within the Council's highway network, is kept to a minimum. The appellant has already demonstrated that the existing junction, The Black Down Roundabout, could be utilised to facilitate access to the site.
- b. The new junction would undermine the functional integrity of the A22 by introducing an additional interruption to traffic flow which could increase traffic displacement onto unsuitable local roads.
- c. There are already several roundabouts on the section of the A22 at Uckfield/Maresfield, which each perform a local or strategic traffic distribution function. The proposal would set an inappropriate precedent for creating an additional roundabout junction purely for the purposes of facilitating access to a private development.
- d. There would be a disproportionate traffic flow on the development arm of the roundabout. This would result in traffic hazards arising from through traffic not anticipating the need to give way to traffic generated by the development. Such problems would be less of an issue on a four arm roundabout at Black Down where there are more circulating vehicles.

Sustainable Modes of Transport

- 6.10 The Inquiry will be informed that the proposal does not satisfactorily demonstrate that adequate provision will be made to encourage sustainable modes of transport. Evidence will explain the location of the site in relation to key facilities required to sustain the development and the transport implications of development of the appeal site. It will explain how the development will result in increased distances for existing residents to access services in Uckfield and, therefore, undue disturbance to their residential amenities.

Landscape

- 6.11 The relationship of the proposed development to landscape features on the site to the town of Uckfield, to the village of Maresfield and to the countryside to the north and west of the application site will be referred to in evidence. Reference will be made to the harm arising from the proposed development including the threat to the above average quality of the landscape between Uckfield and Maresfield and the risk of coalescence between the 2 settlements.

Ecology

- 6.12 The ecology of the site and its surroundings would be damaged and diminished by the development proposals for the following reasons:-
- a. Ancient woodland would be destroyed.
 - b. Insufficient buffer areas will be available between residential areas and woodland
 - c. The habitat of woods, fields and other habitats and vegetation structures would be fragmented.
 - d. The value of the area as a corridor and stepping stone for the movement of species across the wider area would be substantially diminished.
 - e. Changes in air, water and soil quality, in noise and light levels, in volume of traffic and many other consequences of urbanisation would be very damaging to the wildlife of the site and the surrounding area.
 - f. The potential for damage to ghyll woodlands with sandrock exposure is unacceptable.
 - g. The potential harm to the ecology of the locality far outweighs any benefits which may arise from the establishment of a country park or other measures to promote wildlife.
- 6.13 These points will be explained in more detail particularly in so far as they will affect areas of Ancient Woodland, Sites of Nature Conservation Importance and Local Nature Reserves, and the extent to which they infringe upon recognised policy relating to Biodiversity

Archaeology

- 6.14 The applicants' desk based assessment, including observations made during a site visit presented evidence of numerous earthworks within the site that were interpreted as possibly representing a mediaeval moated site with adjacent features. The applicant's assessment notes that the date and function of these earthwork features has not been established beyond doubt. It is possible that they represent the remains of more than one period of occupation and activity. The area of these archaeological features would be crossed by the main entrance route from Black Down Roundabout to the north west.
- 6.15 In view of the potential importance of these features it is considered reasonable and appropriate for the applicant to carry out an archaeological field evaluation prior to a decision on this planning application. No such survey work has been undertaken.
- 6.16 Evidence will be given on the potential importance of the area of the identified earthwork features, the likely impact of the development and the measures required by the developer in accordance with PPG16.
- 6.17 The applicant's consultant archaeologist has indicated in a letter dated 21st June 2007 that the proposed access would be revised to overcome the need for pre-determination work. This matter is referred to in paragraphs 4.4 - 4.7 of this statement.

Infrastructure and Affordable Housing

- 6.18 It is considered that the proposal will give rise to a larger secondary school age population than can be accommodated at Uckfield Community College.
- 6.19 Legal Agreements and conditions are required to ensure the provision of adequate infrastructure to serve the proposed development. These would include:-
- a. A legal agreement to ensure the provision of Financial Contributions for Nursery School, Primary School, and Secondary school provision, Household Waste and Recycling and Rights of Way.
 - b. Conditions of permission to ensure adequate provision of sewerage infrastructure
 - c. A Legal Agreement between the Local Planning Authority and the applicant is required prior to the issue of any permission to ensure 30% affordable housing in accordance with non statutory Local Plan Policy HG4

7 Conclusion

7.1 The extent of unacceptable harm likely to arise from the proposal far outweighs any current shortfall in Land Supply and an ad hoc permission outside the provisions of the Local Development Framework is not justified.