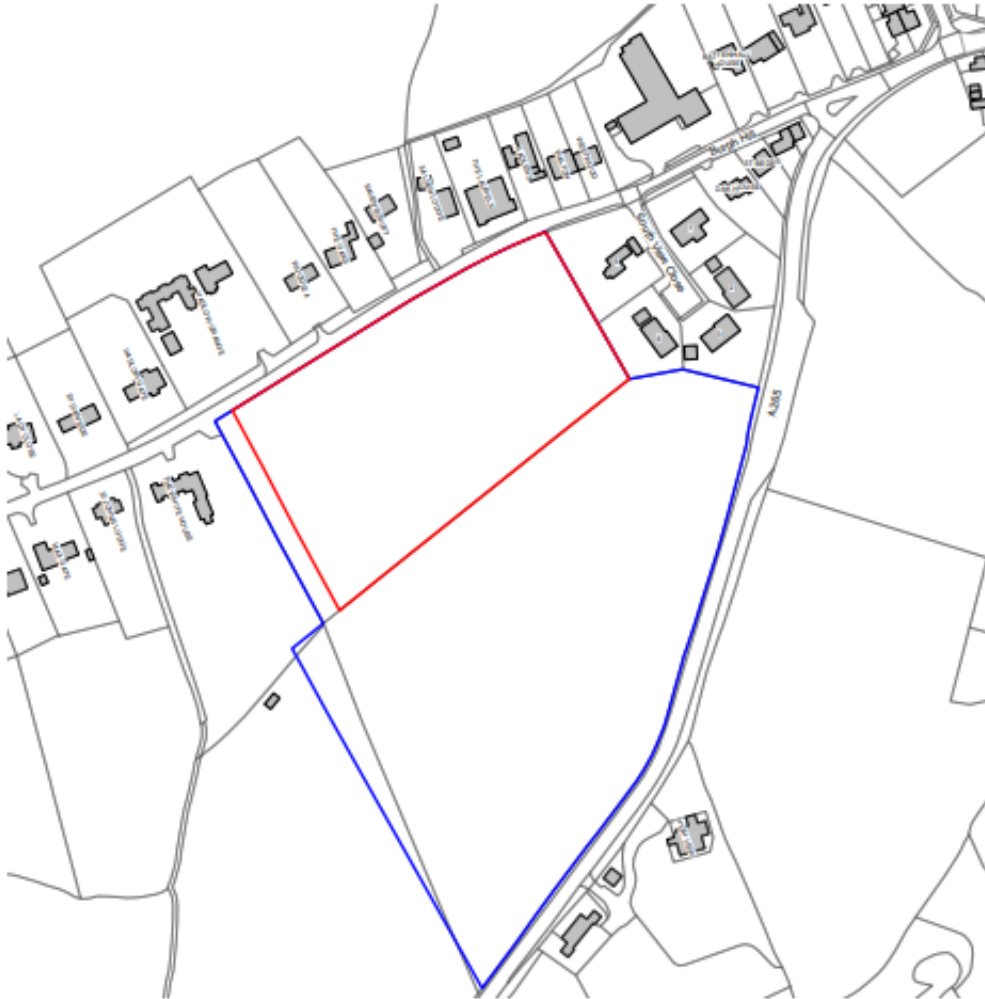


SITE PLAN

HURST GREEN

RR/2023/2540/P

Burgh Hill – Land south of Hurst Green
TN19 7QX



Rother District Council

Report to	-	Planning Committee
Date	-	5 September 2024
Report of the	-	Interim Head of Planning
Subject	-	Application RR/2023/2540/P
Address	-	Burgh Hill – Land South of Hurst Green, TN19 7QX
Proposal	-	Outline: Erection of up to seven dwellings and associated infrastructure with all matters reserved except for access.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING PERMISSION) DELEGATED SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 LEGAL AGREEMENT IN RELATION TO:**

- **AFFORDABLE HOUSING PROVISION**
- **BIODIVERSITY NET GAIN**

Interim Head of Planning: Gilian Macinnes

Applicant:	Landstrom Group Ltd
Agent:	SF Planning Ltd
Case Officer:	Mrs A. Olcar-Chamberlin (Email: aysegul.chamberlin@rother.gov.uk)

Parish:	HURST GREEN
Ward Members:	Councillors Mrs. M.L. Barnes and T.M. Killeen (MBE)

Reason for Committee consideration: Councillor call-in. Councillor Mrs Barnes gave the following reasons:

- The development is for market housing only
- Suburbanisation of the rural character
- Too many accesses to the narrow country lane
- Visual intrusion on the unspoilt Rother Valley between Etchingham and Robertsbridge and harm to the Area of Outstanding Natural Beauty (AONB) landscape
- Damage to ecology and wildlife

Statutory 13-week date: 18 April 2024

Extension of time agreed to: TBC

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The application site is located outside of, but immediately adjoins to the development boundary of Hurst Green village on three sides. As the Council cannot demonstrate a five-year supply of housing, the policies of the Rother Local Plan Core Strategy are out of date, meaning limited weight is given to the development boundary. The main considerations are the suitability and sustainability of the site's location for a residential development, impact of the proposed development on the landscape character and scenic beauty of the High Weald National Landscape (HWNL), the protected species and their habitats and biodiversity value of the site.
- 1.2 It is acknowledged that there could be harm to the landscape character of the area and the habitats of ecological interest. However, subject to an appropriate landscaping scheme incorporating appropriate ecology and biodiversity enhancement measures the potential harm could be mitigated, thus the landscape and scenic beauty of the HWNL would be preserved. The adverse impacts this proposed development (being outside of an out-of-date development boundary) would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework when taken as a whole. It is therefore, recommended that conditional permission be granted subject to a Section 106 agreement.

1.3 PROPOSAL DETAILS

PROVISION	
No of houses	7
No of affordable houses	2.8
Other developer contributions 1	Biodiversity Net Gain
CIL (approx.)	To be determined by reserved matters
New Homes Bonus (approx.)	To be determined by reserved matters

2.0 SITE

- 2.1 The application site is a 1.58ha undeveloped land on the southern side of Burgh Hill within the HWNL, which is also designated as an AONB. The site is approximately 140m west of the junction with the A265 and is just outside the defined development boundary of Hurst Green Village. The eastern and western site boundaries adjoin the development boundary. The dwellings on the other side of Burgh Hill are also within the development boundary. The open field to the south of the site extending towards the A265 is within the ownership of the Applicant.
- 2.2 A Tree Preservation Order (TPO) covers the group of trees along the eastern boundary of the site.
- 2.3 There are no Public Rights of Way (PROW) across the site. However, there are two PROWs in close proximity to the site. These are footpath HUR/8/1 to the north and footpath HUR/9/1 to the west of the site.
- 2.4 The Draft Hurst Green Parish Neighbourhood Plan, which has reached Regulation 14 stage, includes the application site within the extended

development boundary and allocates the site for housing development of up to seven dwellings (Policies HG1 and HGSA1).

3.0 PROPOSAL

- 3.1 The proposal seeks outline permission for the erection of seven two-storey dwellings with all reserved matters except access.
- 3.2 Four separate access points from Burgh Hill are proposed to serve the proposed dwellings. In addition to that, a footway adjacent to the site frontage would be provided. The road hedgerow along the northern boundary of the site would be removed to allow adequate visibility splays and the new footpath.
- 3.3 A new hedgerow, set back from the northern boundary, behind the proposed footpath would be planted.
- 3.4 The proposed site layout was minimally amended to widening the proposed footway to 2m, reducing the width of the proposed vehicular access serving a single dwelling to 2.75m and further planting to achieve tree canopy connectivity at the front. In addition to that, further ecology information was provided to address the County ecologist's initial concerns.
- 3.5 The indicative site layout shows that the proposed dwellings would be 3-5-bedroom units within generous site plots and the existing agricultural access along the western side of the site would be maintained to provide access to the field adjoining to the southern boundary of the site.
- 3.6 The summary of the pre-app (ref: PE/00042/2020) response for the erection of six 4-6-bedroom dwellings, each with their own accesses, were as follows:
- The site is well located in terms of proximity to the local services and facilities but the lack of pavements on this part of Burgh Hill gives poor accessibility for pedestrians.
 - Although the proposed footpath across the site would improve the pedestrian accessibility, the Highway Authority requested the footway to continue eastwards to link up with the existing pedestrian facilities.
 - The proposed housing would make a valuable contribution towards meeting the village's housing allocation and would complete the ribbon development pattern of Burgh Hill despite the impact of the new accesses on the landscape character.
 - A tree survey and an ecological survey would need to accompany any application. Furthermore, the impact of the development on biodiversity (resulting from the removal of road hedges and the loss of rest of the vegetation) and the level of harm to biodiversity and its mitigation need to be included in the ecology assessment.
 - Policy DHG1 (iv) (a) of the Development and Site Allocations Local Plan (DaSA) requirement of 40% on-site affordable housing applies to the proposal. It is suggested that two small plots at the eastern end of the site should be provided for affordable housing and the remaining affordable housing contribution could be a commuted sum in lieu of on-site provision.
 - The proposed mix would be contrary to Policy LHN1 (ii) of the Rother Local Plan Core Strategy which requires at least 30% 1-2-bedroom dwellings

(being mostly two bed) in rural areas. There is also a need for 3-bedroom dwellings in the village.

4.0 HISTORY

- | | | |
|-----|-----------|--|
| 4.1 | A/56/342A | Residential development. REFUSED on 2.08.1957 |
| 4.2 | A/67/333 | Outline: Four detached dwellings. REFUSED on 5.05.1967 |
| 4.3 | A/73/0451 | Outline: 12 detached dwellings. REFUSED on 11.05.1973 |
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5.0 POLICIES

- 5.1 The following policies of the adopted [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS1 (Overall Spatial Development Strategy)
 - OSS2 (Use of Development Boundaries)
 - OSS3 (Location of Development)
 - OSS4 (General Development Considerations)
 - RA1 (villages)
 - RA2 (General Strategy for the Countryside)
 - RA3 (Development in the Countryside)
 - SRM1 (parts ii – viii inclusive) (Towards a Low Carbon Future)
 - SRM2 (Water Supply and Wastewater Management)
 - CO6 (Community Safety)
 - LHN1 (Achieving Mixed and Balanced Communities)
 - EN1 (Landscape Stewardship)
 - EN3 (Design Quality)
 - EN5 (Biodiversity and Green Space)
 - 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)
 - DRM3 (Energy Requirements)
 - 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 (National Landscape or former AONB)
 - DEN4 (Biodiversity and Green Space)
 - DEN5 (Sustainable Drainage)
 - DEN7 (Environmental Pollution)
 - DIM2 (Development boundaries)

- 5.3 The Hurst Green Neighbourhood Plan has reached Regulation 14 stage, with Regulation 16 anticipated this Autumn. Given the relatively early stage of the plan, it is of limited weight in relation to this proposal.
- 5.4 The adopted High Weald Management Plan 2024-29:
- Objective S2
 - Objective S3
- 5.5 The High Weald Housing Design Guidance.
- 5.6 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The National Planning Policy Framework chapters of relevance include:
2. Achieving sustainable development: Paragraphs 11 and 12
 4. Decision-making; Paragraph 38
 5. Delivering a sufficient supply of homes: Paragraphs 64, 65, 70, 82, 83,
 8. Promoting sustainable transport: Paragraphs 114, 115, 116 and 117
 11. Making effective use of land: Paragraphs 123 and 128
 12. Achieving well-designed places: Paragraphs 135 and 139
 14. Meeting the challenge of climate change, flooding and coastal change: Paragraphs 157 and 162
 15. Conserving and enhancing the natural environment: Paragraphs 182, 183 and 186
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6.0 CONSULTATIONS

- 6.1 East Sussex County Council (ESCC) Highways – **NO OBJECTION** subject to conditions for details of the new accesses, visibility splays, provision of adequate parking areas and technically accepted highway scheme (footway) including incorporation of the recommendations given in the submitted Road Safety Audit Report.
- 6.1.1 Each access point will be 4.8m wide to accommodate the two-way flow of traffic. The access opposite 'Ravenscroft' needs to be 2.75m as it will only serve one dwelling. The proposed footway should be 2m wide. A separate pedestrian access from the site should be provided on the eastern border with an internal path to limit the distance pedestrians are required to travel on the carriageway or a footway connection across the northern border of the site on Burgh Hill. Subject to the removal trees and hedgerows as indicated on the plans the appropriate level of visibility from the access points can be provided. The access will require constructing in accordance with ESCC specification with all works carried out by an approved contractor under the appropriate legal agreement. The Applicant will require to enter into a Section 38 agreement for the proposed footway.
- 6.2 ESCC Landscape Architect – **NO OBJECTION** subject to conditions asking for cross section showing the integration of the proposed development into the landscape, a detailed landscape strategy and landscape and ecological management plan (LEMP), retention of the field to the south of the site as wildflower meadow, retention and protection of trees in accordance with the Arboricultural Impact Assessment and placing power lines under the ground.

- 6.2.1 The submitted Landscape and Visual Impact Assessment (LVIA) provides accurate assessment of the baseline landscape and visual context of the site. The LVIA concludes that any significant visual effects would be local and only three viewpoints which are close to the site would have significant adverse effects.
- 6.2.2 The loss of the boundary hedge along Burgh Hill and the proposed footpath would have an impact on the character of the historic routeway. These are key components of the HWNL as set out in the Management Plan objective R1 (historic routeways). The hedge is assessed as category C and in poor condition in the Arboricultural Impact Assessment as it is gappy and heavily managed.
- 6.3 NatureSpace – **OBJECTION** in the absence of further information regarding the potential impacts to great crested newts (GCN) prior to determination of the application. Recommended the application to take either of the following actions:
- 6.3.1 Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Rother District Council's District Licence.
- 6.3.2 Provide, further information, in line with Natural England's Standing Advice, to rule out impacts to GCNs, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals ; or if it is determined that the likelihood of GCNs is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.
- 6.3.3 The Applicant has applied for the GCN District Licencing scheme and provided a copy of the NatureSpace District Licence Report dated 3 July 2024. Subject to compliance with the Conditions on page 7 of this report NatureSpace' objection can be overcome.
- 6.4 ESCC Ecologist – **NO OBJECTION** following further information addressing their previous concerns and recommended conditions. The further information includes GCN District Licence Report, updated Preliminary Ecological Appraisal, updated Dormouse Survey and BNG Preliminary Design Stage Report. In addition to that the proposed indicative soft landscaping includes additional planting to achieve tree canopy connectivity for safe movement of dormice. The County ecologists' final comments are summarised below:
- 6.4.1 *The Preliminary Ecology Assessment notes that the majority of the site comprises grassland (dominated by cock's-foot), as well as a small patch of Bracken, hedgerows, standard trees and a line of trees. Prior to 2018, an aerial image shows there was previously additional vegetation (hedgerow / treelines) along the southern boundary.*
- 6.4.2 *The proposed development would be unlikely to have a significant ecological impact on the nearby designated sites (Burh Wood Complex Local Wildlife Site and Hurst Green Meadows and Woodlands).*

- 6.4.3 *During the November 2022 site visit the grassland was short sward. However, longer grassland was recorded during the June 2023 visit. Further to previous advice, the PEA has been updated and confirms that the grassland is actively managed and 'cut at least once seasonally for hay'. An email dated 09/07/2024 also states that 'the site is actively managed by the landowner and is cut periodically throughout the year. These activities have occurred at the site for several years and will continue in this manner until development commences at the site.'*
- 6.4.4 *The hedgerows should be retained and protected wherever feasible, with suitable buffers provided between these and residential development. It is assumed that the north-western hedgerow is proposed for removal to accommodate a requirement for a new footway and/or visibility splays. Given the loss of an 'important' hedgerow and HPI, significant compensatory planting should be provided. This should go beyond the area to be removed, to account for the time it takes for new hedgerows to establish.*
- 6.4.5 *The hedgerows baseline is still recorded as 'good' condition for the purposes of the Biodiversity Net Gain (BNG) assessment. However, consideration should be given to any increased value it is likely to have had (such as for protected/notable species) prior to such works, with this factored into the compensatory measures.*
- 6.4.6 *The proposed planting of new native species-rich hedgerow and tree planting should fall outside of residential boundaries and at detailed design stage, measures should be incorporated to ensure they are adequately protected / buffered as required (this is also relevant to BNG and compensatory hedgerow planting should consider opportunities for protected species. The additional hedgerow planting within the gardens of the proposed dwellings is also supported.*
- 6.4.7 *Badgers may use the site for commuting / foraging on occasion. Best practice working methods should be implemented, including the measures identified in the PEA (section 4.13).*
- 6.4.8 *The site, in particular boundary vegetation, offers suitable habitat for commuting and foraging bats. If a bat or evidence of bats is identified works should cease and advice sought from a Suitably Qualified Ecologist (SQE) or Natural England. The mitigation and compensation recommended in the Bat Activity Survey report is supported and recommended that measures should be incorporated to minimise loss of canopy level connectivity along the road boundary, e.g. by reducing the number of gaps/access points and planting heavy standards either side of gaps. A sensitive lighting scheme should also be implemented to maintain dark corridors.*
- 6.4.9 *Vegetation on site offers suitable habitat for nesting (in particular the existing hedges and trees). The mitigation recommended in section 4.16 and 4.17 of the PEA (v. 1.2) should be implemented. Significant hedgerow, scrub and tree planting should be incorporated, as well as a number of bird bricks/boxes provided on new buildings and retained trees (covered further under BNG). Given the removal of the hedgerow, and time taken for new planting to establish, some habitat creation/enhancement should be provided prior to hedgerow removal where feasible. Loss of grassland should also be compensated for, such as through the enhancement of retained areas.*

- 6.4.10 *The site lies partly within the GCN amber zone. Within the updated information a NatureSpace District Licence Report and accompanying map have been provided, confirming that the proposal can be dealt with under the District Licence scheme. This is accepted and the recommended conditions and informatives should be applied.*
- 6.4.11 *There is also potential for other amphibians to be present, including common toad, a Species of Principal Importance (SPI) under Section 40 of the NERC Act. The precautionary working measures required for reptiles are likely to help safeguard any amphibians that may be present.*
- 6.4.12 *The boundary hedgerows and tree lines offer suitable habitat for dormice and presence of dormice has been confirmed within the north-western hedgerow. Given the suitability and connectivity of habitats, it is assumed that dormice are also present in other hedgerows on and around the site. As the north-western hedgerow is proposed for removal, a licence will be required from Natural England prior to any works commencing. As per the Dormouse Survey report, 'it will be necessary to demonstrate and propose measures to ensure that the favourable conservation status of the species is at least maintained and ideally enhanced.' Significant compensation and mitigation for the loss of north-western hedgerow should be incorporated.*
- 6.4.13 *The proposed measures including native species-rich hedgerow planting and dormouse boxes are supported but may not be sufficient to offset the loss and mitigate new impacts. The proposed canopy Connectivity, with heavy standard oak trees planted either side of each access point is supported. Final landscaping should also be designed to further improve habitat connectivity to the wider area where possible, for example through additional tree/scrub planting at key points within the red/blue line boundary. Within any subsequent Reserved Matters application, suitable semi-natural buffers should be provided between retained and compensatory habitat and residential curtilage (although additionally providing hedgerows along residential boundaries is supported). Planting of dense thorny species in key locations can also help increase protection from disturbance and predation.*
- 6.4.14 *The updated PEA concludes that the site 'is unlikely to be important for reptiles but the presence of low numbers of species such as slow-worm in field margins is possible' and recommends a precautionary approach. In the absence of further survey information, the precautionary principle should be applied, and it must be ensured that sufficient habitat retention, compensation and enhancement measures can be provided within the red line as well as the blue line boundaries. The Indicative Plans include some habitat creation / enhancement. Additional measures should also be provided, such as areas of tussocky grassland, scrub and multiple refugia.*
- 6.4.15 *The measures for hedgehogs including installation of hedgehog highways within any impermeable fencing, the provision of hedgehog homes and log piles in areas of undisturbed habitat are supported and should be incorporated.*
- 6.4.16 *If there is any evidence of mammal digging, advice should be sought from a suitably qualified ecologist and care should be taken to avoid an offence under the Mammals Act 1996.*

- 6.4.17 *Compensation and enhancement for invertebrates should be carried through to detailed design stage.*
- 6.4.18 *Whilst mandatory BNG is not applicable in this case, the proposals should demonstrate that they avoid a net loss for biodiversity and seek to achieve a measurable gain. Based on the Indicative Plans, the proposals would achieve a -48.23% net loss in habitat units and a 34.12% gain in hedgerow units. To achieve a gain in habitat units the developer would either need to find additional land for offsetting or use another provider. Provided that opportunities for achieving onsite gains are sought wherever possible, using additional offsite gains is considered acceptable. The proposed SuDS should also look for opportunities to maximise biodiversity value of such features.*
- 6.4.19 Conditions recommended are for compliance of ecological measures detailed in the PEA, time limit of development before further surveys are required and submission of Biodiversity Method Statement, Sensitive Lighting Strategy, Ecological Design Strategy, Landscape and Ecological Management Plan,
- 6.5 Natural England – **NO OBJECTION**. Considered the proposed development not to have a significant adverse impacts on the statutorily protected nature conservation sites.
- 6.6 ESCC Archaeology – **NO OBJECTION** following the submission of Archaeological Desk Based Assessment. Recommended conditions for submission and implementation of a programme of archaeological works and site investigation assessment.
- 6.7 Sussex Police – **NO COMMENT** as the proposal does not match the agreed criteria.
- 6.8 Planning Notice
- 6.8.1 102 letters of objection have been received. The concerns raised are summarised as follows:
- Inappropriate location which is outside the present development boundary
 - The AECOM report (April 2019) commissioned by Hurst Green Parish Council judged the site not to be suitable for development due to its highly sensitive nature.
 - The Hurst Green Local Plan has not gone to referendum yet.
 - No need for development of 7 'executive' homes as 74 of the required 75 for Hurst Green have been approved.
 - Contrary to the Rother District Council's vision by 2028": *"The inland and essentially rural areas of Rother, falling mainly within the High Weald AONB, retain their essential local character. The character and diversity of villages has also been retained. They are vibrant and inclusive, having evolved organically in a manner sensitive to their surroundings."*
 - Contrary to RDC's Environment Strategy (2020-2030) – 'Protecting and Enhancing Biodiversity'.
 - Unacceptable harm to the landscape views – the houses to the north of the site are not 3m higher than the site.
 - Biast and inaccurate LVIA assessment.
 - Harm to the character and appearance of the AONB / National Landscape.
 - Harm to peace and tranquillity.

- Loss of wide views over the Rother Valley to the High Weald ridges enjoyed by the walkers and cyclists.
- Not in keeping with the character of the area (in particular the proposed footpath).
- Suburbanisation of a typical rural setting and intrusion to the countryside.
- Reliance on private cars due to limited public transport availability.
- Adverse impact to highway safety due to excessive number of proposed accesses and significant increase in traffic volume (8%) on a narrow road.
- Limited room for manoeuvring heavy goods vehicles and emergency service vehicles.
- No other foot path on Burgh Hill to connect the proposed footpath.
- Use of the proposed pathway as overflow parking on the road.
- Inadequate 'Road Safety Audit Report' failing to address the impact to of the increase in traffic flow on a narrow lane and potential danger caused by the construction vehicles.
- Insufficient parking provision for future occupants and visitors.
- Light pollution and harm to dark night skies.
- Harm to rich flora and fauna and wildlife.
- Loss of irreplaceable habitats such as the hedgerows and harm to the protected species (dormice, bats and great crested newts).
- Severe ecological lost caused by removal of the ancient road hedgerow followed by 1.5m deep excavation to road level.
- Loss of historic road hedgerows that adds to the local characteristics of Hurst Green.
- Illegal removal of parts of the ancient hedge (along the southern boundary).
- Potential damage to the protected trees to the east of the field.
- Insufficient landscape / TPO buffer zone to east of site (10m) - a minimum of 15m, according to BS 5837:2012.
- Insufficient consideration to the impact of the proposal on ecology and no BNG.
- Further harm to the protected species during construction.
- No surveys for birds, reptiles / amphibians, insects, moths and badgers.
- No independent grassland assessment.
- Lack of reference to vital habitats for grass snakes, adders and slow worms (all Priority Species under the UK Post-2010 Biodiversity Framework), badgers, hedgehogs and bumblebees.
- No archaeological survey (despite the area is known for Roman, pre-Roman remains and presence of a pre-historic fort on Burgh Hill).
- Harm to residential amenities of neighbouring properties in terms of loss of privacy and natural light.
- Harmful to visual amenities of walkers, cyclist and commutes along Burgh Hill.
- Run-off water to the east of the site needs to be addressed.
- A potential flood risk from the subsequent increased run-off water.
- Adverse impact on water flow and road safety during construction.
- No groundwater study.
- Worsening of the already poor surface water drainage (especially during heavy rain) and exacerbate flooding and sewage issues in Etchingham.
- Unpredictable cumulative soil hydrology effect.

- Problems with the proposed SUDS drainage: discharges 100% of the water on to the lower field at a concentrated location, flow across the field and onto the A265, and ensuring adequate maintenance.
- Potential contamination of run-off water.
- Adverse impact to local community and visual amenity enjoyed by locals.
- Further strain on local infrastructure.
- Unaffordable housing proposal lacking much needed affordable housing provision.
- Overdevelopment of the rural lane.
- Undesirable precedent for development of another greenfield.
- No exceptional circumstances to justify the proposed development including any benefit to the local community or economy.
- Not the most efficient use of the land.
- Plans showing incorrectly an existing shared driveway between two houses on Burgh Hill.

6.8.2 Burgh Hill Community Group – **OBJECTION** – disagreed with the County Council Landscape Architect's comments.

- The site is a highly sensitive greenfield and agricultural site located on a prominence with far reaching views over Rother Valley.
- The proposed development will breach the skyline of the valley and would be an intrusion to the visual beauty of the HWNL, contrary to local and national policies protecting scenic beauty of AONB and biodiversity.
- The proposal will destroy the landscape quality and biodiversity value of the site.
- The proposal will result in suburbanisation.
- The submitted LVIA is biased and inaccurate. The entire northern boundary offers far-reaching views of the High Weald for the many local residents.
- The AECOM report (April 2019) commissioned by Hurst Green Parish Council considered the site to be not suitable for any development due to its highly sensitive nature.
- Inspectorate's dismissal decision of appeal (planning ref: RR/2022/461/P) should be given consideration.
- The Hurst Green Local Plan has not been adopted yet.
- The Hurst Green has already reached 74 of its 75 houses target.
- The proposed accesses will endanger traffic safety.
- The proposed pathway is likely to be sued as overflow parking causing dangerous obstruction for road users.
- The removal of 180m road hedgerow would reduce its habitat value for many wildlife species.
- The removed hedge along the southern boundary of the site between March and May 2019 should be restored.
- The proposal would be contrary to RDC's dark skies objectives.
- No bird, reptile or amphibian, insect and badger surveys have been done.
- No independent grassland assessment has been done since 2020.
- The proposal would worsen the existing run off problem and put strain on sewage drainage.
- The tree root protection area is inadequate - according to BS5837:2012 at least 15 m is required.
- The protected trees would be in danger by the earth removal.

- The site is wedge shaped and 1.45m higher than the road at the Hurst Green end.
- The site is very close to an earthwork and enclosure (late Prehistoric) recorded on the Heritage Environment Record - MES20070 therefore an archaeological survey must be undertaken.

6.8.3 The Countryside Charity Sussex (CPRE) – OBJECTION

- Clarification is required whether the field (annotated in the Figure 4 – Indicative Site Layout Plan) is included in the application, and the Applicant's intend regarding the additional field.
- The Pre-Submission Version of the Hurst Green Parish Neighbourhood Plan has not been examined and adopted.
- The Court of Appeal has ruled that even where development plan policies are rendered out of date by housing land shortfalls, they remain potentially relevant to the application of the tilted balance and decision-makers are not legally bound to disregard policies of the development plan when applying the tilted balance.
- The road hedgerow is considered to be important according to the Hedgerow Regulations 1997 and is within the AONB therefore it should not be removed.
- The submitted Hedgerow Assessment does not acknowledge the importance of hedgerows as habitats of principle importance in England.
- The submitted surveys concludes the hedgerows support dormice and foraging bats but no bird survey of hedgerows was submitted with the application.
- The site was surveyed outside the nesting season of March – August therefore a 4-seasons bird survey of the hedge and the site should be provided with the application.
- Paragraph 182 of the National Planning Policy Framework stipulates that in relation to conserving and enhancing the natural environment AONB, together National Parks and the Broads, have the highest status of protection.

6.8.4 Hurst Green Parish Council – OBJECTION

- The site is outside the development boundary in an AONB.
- The site has a history of planning refusal.
- The 2013 Strategic Housing Land Availability Assessment (SHLAA) reaffirmed that the site is unsuitable for development (further ribbon development in AONB and loss of critical green gap).
- The proposed development would result in loss of fine views enjoyed by residents of Hurst Green and detract from the rural character of the quite lane.
- The proposed footpath will not fit into the character of the lane.
- The Neighbourhood Plan is not at an advanced stage and there are significant objections to Policy HGSA1.
- The winding A265 main road up the hill is dangerous for pedestrians and cyclists.
- The increased traffic movement generated by the development could adversely impact the highway safety.
- The roadside hedge has evidence of dormice and the proposal would result in loss of further habitat for rare and endangered species.
- No archaeological survey has been carried out.

- No need for this type of development in the locality and RDC's current housing target of 75 new homes for Hurst Green has been met (Foundry Close (RR/2019/2194/P) (20 homes), London Road (north) RR/2021/2798/P (26 homes) and London Road (south) RR/2022/1526/P (28 homes)).

6.8.5 Etchingham Parish Council – **OBJECTION**

- The site is outside the development boundary.
- The proposal would result in suburbanisation of a country lane and unacceptable visual intrusion on an AONB.
- The proposal will result in destruction of a hedge known for nesting dormice.
- The proposed pavement is likely to be used for overflow parking by visitors making impossible for emergency vehicles to get through.
- There could be increased run-off from the site following ground works associated with the proposed development.
- Effluent will be taken to join the already overloaded sewer system down in Etchingham.
- The local survey called for affordable homes and no affordable homes are proposed.
- The proposal does not sufficiently regard the flora and fauna.

7.0 **LOCAL FINANCE CONSIDERATIONS**

- 7.1 *Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a local finance consideration as far as it is material.*
- 7.2 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received would be determined with the subsequent reserved matters application. CIL is not a material planning consideration in the determination of this application. This is for noting.
- 7.3 Section 106 Planning Obligations (including affordable housing payment in lieu contribution) are sought in relation to the proposed development and are material planning consideration as they are required for a planning purpose.

8.0 **APPRAISAL**

- 8.1 The application relates to an unallocated site for housing adjacent to the development. The main issues to consider are:
- Principle of land use
 - Impact on HWNL
 - Impact on Biodiversity and Ecology
- 8.2 Principle of land use
- 8.2.1 Policies OSS2, and OSS3 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA require new development to focus within defined settlement boundaries and allocated sites, and development in the

countryside to be limited to that which accords with specific Local Plan Policies. In this instance the site is located outside any defined settlement boundaries and is within the countryside for the purposes of these policies.

- 8.2.2 Policy RA1 (i) seeks to protect the locally distinctive character of villages and ensure that the design of new development includes an appropriate high-quality response to local context and landscape.
- 8.2.3 The Council cannot demonstrate a 5-year housing land supply (currently being at 3.09 years). Whilst significant weight may be attached to this (paragraph 11(d) of the National Planning Policy Framework), paragraph 182 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
- 8.2.4 Paragraph 12 of the National Planning Policy Framework also states that:
“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”
- 8.2.5 The site is not in an isolated countryside location as it is located in a rural settlement within close proximity to the local services and facilities. The site is physically and functionally part of the village and adjoins the development boundary on three sides. However, Burgh Hill does not have a defined footpath. The lack of footpath presents challenges for pedestrians and cyclists. The proposed footpath along the road frontage would provide safe pedestrian accessibility. The addition of the footpath makes the location of the site sustainable for a residential development.
- 8.2.6 This part of Burgh Hill has a low-density linear development pattern. The dwellings in the vicinity are mainly 1.5 – 2 storey detached dwellings set in their own generous grounds defined by grass verges and roadside hedges. The proposed development would result in seven dwellings within generous plots completing the linear development pattern along Burgh Hill. Provided that the proposed development does not adversely impact the landscape character and scenic beauty of the HWNL, the principal of development is considered acceptable. The impact of the proposal on the landscape character is explored further below.

8.3 Impact on National Landscape

- 8.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 8.3.2 Policy EN1 (i) of the Rother Local Plan Core Strategy seeks to protect and enhance the distinctive identified landscape character and settlement pattern of the AONB.

- 8.3.3 Policy DEN1 of the DaSA states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which is to be located, based on a clear understanding of the distinctive local landscape characteristics.
- 8.3.4 Policy DEN2 of the DaSA requires all development within or affecting the setting of the High Weald AONB to conserve and enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. This policy also states that development within the AONB should be small-scale, in keeping with the landscape and settlement pattern.
- 8.3.5 Policy EN3 of the Rother Local Plan Core Strategy requires development to be of high design quality contributing positively to the character of the site and surrounding and empathetic to landscape setting of buildings and settlements.
- 8.3.6 Objective S2 of the High Weald Management Plan aims to protect the historic pattern and character of settlement. Objective S3 of the High Weald Management Plan aims to enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- 8.3.7 The locality has a strong rural character that is enhanced by mature hedgerows and grass verges on both sides of the road. The existing road-side hedge at the application site contributes to the rural character of the area. The road hedges on the other side of Burgh Hill are permeated by existing vehicular accesses. The field to the south of the site slopes down towards the A265. The application site gently slopes down from the north-west towards the south-east. The visibility of the site from the A265 is limited due to the road hedges and trees.
- 8.3.8 There is a near-distant and fairly open view from PRoW HG9 (Historic Routeway) to the southwest of the site and a more enclosed and limited view from PRoW HG9 to the north of the site. There is a view across the field gate, into the site, from Burgh Hill and also some obscured views through gaps and over the existing hedge line. There are long distance views to and from the site and the High Weald wooded ridge to the southwest of the village.
- 8.3.9 The submitted LVIA explores the impact of the proposal on the key views and important landscape features. It argues that the built form of the proposed development would replicate the local vernacular development style and the loss of the road hedges would be compensated by the soft landscaping scheme, densifying the sparse planting along the southern boundary with native and diverse species would help to restore historic field pattern and the retained buffer zones would be adequate to protect the group of trees with TPOs along the eastern side and the group of trees along the western side. The LVIA also concludes that the landscape impact of the proposed development would reduce from *Medium Adverse Impact/Moderate Adverse Effect* after planting establishment (15 years).
- 8.3.10 The proposal would result in loss of the road-side hedge and replacement of existing grassed field with new dwellings and garages. Whilst the site would be altered from greenfield to a new housing development having a permanent

and perceptible change in the local landscape character, the layout and architectural form of the proposed development would reflect the existing local vernacular and settlement pattern, and the proposed landscaping strategy would minimise the impact of the proposal on the landscape character of the area. Furthermore, the County Landscape Architect raised no objection, subject to a detailed landscape strategy and landscape and ecological management plan (LEMP).

- 8.3.11 In conclusion, it is acknowledged that there could be harm to the landscape character of the area and the habitats of ecological interest. However, subject to an appropriate landscaping scheme incorporating appropriate ecology and biodiversity enhancement measures the potential harm could be mitigated, thus the landscape and scenic beauty of the HWNL would be preserved.

8.4 Impact on Biodiversity and Ecology

- 8.4.1 The site is a grassland field bounded by hedges and trees. It is proposed to remove the northern boundary hedge to provide access and adequate visibility splays to the proposed development. New native hedges, trees and other native plants would be planted behind the new footway to mitigate the loss of the existing road hedge. The submitted hedgerow assessment confirms that the northern boundary hedge is considered to be 'important' according to the Hedgerows Regulations 1997 and notes that the removal of the hedge should be carried out in accordance with any recommendations made within the Bat Activity and Dormouse Survey reports.
- 8.4.2 The Bat activity survey completed in October 2023 informs that the hedgerows are used by foraging bats. The submitted dormice survey confirms the likelihood of dormice presence within the northern boundary hedgerows and wood mouse within the southeast and east boundary vegetation. The survey concludes that the site provides suitable conditions for Dormice (due to the connectivity of the hedgerows and line of trees) and is connected to continuous vegetation in the wider area.
- 8.4.3 The submitted Preliminary Ecological Appraisal (PEA) confirms that the grassland on the site is classified as 'poor semi-improved grassland' but it is possible this habitat is more species diverse than recorded and recommends a further assessment at the appropriate time of year to determine the importance of this habitat. The PEA also informs the following potential for fauna:
- The hedgerows and trees provide potential for foraging and commuting bats.
 - The hedgerows provide suitable habitat for dormice. The large woodland to the north and networks of hedgerows to the south which are linked closely to small pockets of woodland are more likely to support Hazel Dormouse
 - No indication of badgers on the site but the grassland provides potential badger foraging habitat.
 - The site provides nesting opportunities for common bird species.
 - The site provides small areas of suitable reptile habitat. SxBRC provided 21 Slow-worm records, three of Grass Snake and 13 of Common Lizard most of which were recorded in 2021 during a reptile survey of an area of land west of London Road approximately 650 m to the northeast.

- SxBRC provided two records of European Rabbit within 1 km of the application site.
- SxBRC provided four records of GCN and a single record of Common Toad within 1 km of the application site.

8.4.4 In regard to GCNs there are no ponds on the site and the nearest pond is located approximately 320m to the south and is isolated from the site by the A265. The PEA confirms that the majority of the site consisted of grassland bound by hedges providing areas of cover for amphibians and the western half of the site is within GCNs Amber Zone. The Applicant has addressed the impacts of the development on GCN and potential mitigation measures through RDC's Licencing Scheme.

8.4.5 Para 4.5 of the PEA states: *A BNG Calculation is expected to be required to assess the effect of the development on the value of the site and to encourage a biodiversity gain by the retention, creation and enhancement of habitats. The proposals should therefore include habitat creation and enhancements to increase the overall value of the site post development.*

8.4.6 The submitted BNG Preliminary Design Report includes calculations for the biodiversity value of the site before and after development, loss or gain to biodiversity and the amount of compensation the site may need in the form of biodiversity offsetting. The report concludes that the proposed development would result in a net loss of -4.8 units which is a -48.23% net loss, and the hedge retention and creation on site will result in a 1.46 unit gain which is a +34.12% net gain. It appears that the Applicant needs additional land for biodiversity offsetting. The submitted Planning Statement informs that the field to the south of the application site owned by the Applicant could potentially deliver appropriate biodiversity net gain. The additional biodiversity net gain could be secured via Section 106 legal agreement.

8.5 Housing mix and sizes

8.5.1 In terms of housing mix, Policy LHN1 (ii) of the Rother Local Plan Core Strategy requires a mix of housing sizes and types to be provided in rural areas, with at least 30% 1-2-bedroom dwellings (being mostly two bed). The evidence base supporting the emerging NP, which includes the 2019 Local Housing Demand Survey, demonstrates that detached houses were in demand, of at least two bedrooms. Providing 2-3-bedroom affordable units within the proposed mix would help to meet this policy requirement. This would be assessed further with the reserved matters application.

8.6 Amenities of neighbouring properties

8.6.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy requires developments not to harm the amenities of adjoining properties.

8.6.2 The proposed development would be sufficiently set back from the road and both side boundaries to avoid harm to the residential amenities of the neighbouring properties in terms of loss of natural light and privacy and overbearing impact. The impact on the amenities would be assessed in more detail during the assessment of the reserved matters.

8.6.3 Given the scale and nature of the proposed development, it is unlikely that the proposal will cause unacceptable noise nuisance from the coming and goings to the proposed dwellings and residential activities associated with the proposed development.

8.7 Highway Issues

8.7.1 Paragraph 114 (b) of the National Planning Policy Framework requires that safe and suitable access to the site to be achieved for all users. Policy CO6 (ii) of the Rother Local Plan Core Strategy also requires *all development not to prejudice road and/or pedestrian safety*.

8.7.2 Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements and Policy TR4 (i) of the Rother Local Plan Core Strategy requires adequate on-site parking to be provided.

8.7.3 The site is located along a stretch of road that is subject to a 30mph speed limit. The local services and amenities required on a day-to-day basis are located within a 20-minute walk of the application site. Etchingam rail station is also located within a 20-minute walk. A footpath is present on the northern side of Burgh Hill from a point c.60m west of the junction with the A265. As part of the access works, a pedestrian footpath will be constructed along the northern length of the application site, running parallel with the edge of the Burgh Hill carriageway. The proposed footpath would provide connectivity to the existing footpath on Burgh Hill and the nearby public rights of ways. The A265 in the vicinity of the site runs in an east to south-west alignment and has bus stops within walking distance to the site.

8.7.4 The proposed footpath will require the removal of the existing trees and hedgerow at the front of the site. The new hedgerow and tree planting behind the proposed footpath will comprehensively replace the lost vegetation, as shown by site layout plan 326_PL_102 Rev F.

8.7.5 Four separate vehicular accesses would serve the proposed dwellings. Three of the accesses would serve two dwellings each and would be 4.8m wide. The fourth access would serve a single dwelling and would be 2.75m wide. Each vehicular access will be in the form of a footway crossover. Visibility splays measuring at least 2.4m x 44m would be provided in both directions for each of the proposed accesses. The Highway Authority considered the proposed access arrangements acceptable and raised no objection to the amended site plans.

8.7.6 In terms of parking, the indicative site layout plan indicates that adequate on-site car parking provision (including turning spaces) and cycle storage facilities in accordance with the ESCC standards could be achieved. The submitted Planning Statement also confirms that adequate provision would be made for refuse storage and charging facilities for electric cars would be provided. These would be dealt with as part of reserved matters.

8.7.7 Burgh Hill serves in excess of 50 dwellings. The submitted Travel Plan includes details of the forecasted trip generations and concludes that the additional vehicular trips resulting from the proposed seven dwellings would not significantly impact the volume of traffic on the local highway network. The Highway Authority also did not raise any concerns in that respect.

8.7.8 The proposed development would provide acceptable access arrangements to the proposed development without prejudicing pedestrian and highway safety and would not significantly impact the volume of traffic on the local highway network.

8.8 Flood Risk and Drainage:

8.8.1 The site gently slopes down from north-west to south-east and is located within EA Flood Zone 1 (categorised as low risk from the sea or tidal). In terms of surface water flood risk the site is classified as 'very low risk'.

8.8.2 The submitted Flood Risk Assessment & Sustainable Drainage Strategy Report notes that the site has 'slightly acid, loamy and clayey soils with impeded drainage' with the bedrock geology (Tunbridge Wells Sand Formation) defined as a Secondary A aquifer with a 'high' groundwater vulnerability status.

8.8.3 An extract of the Southern Water sewer records is included in Appendix C of the submitted Flood Risk Assessment & Sustainable Drainage Strategy Report indicates there are no public onsite sewers and the nearest is a foul sewer located within Burgh Hill which forms the northern site boundary. Flood risk from sewers is considered to be low and acceptable.

8.8.4 Recommended drainage strategy would involve combination of attenuation and infiltration techniques to manage surface water run off rates effectively, discharging foul water to the existing foul sewer located to the north of the proposed development and use of suitable SuDS features. In addition to that water butts could be used to collect and store rainwater for irrigation. The details of drainage could be secured via a condition.

8.9 Archaeology

8.9.1 Although the proposed development does not lie within an Archaeological Notification Area it is nonetheless located in a landscape with ample evidence of past human activity, potentially from the prehistoric period onwards. This includes an undated earthwork enclosure to the west of the site which may or may not be prehistoric in origin and an undated bloomery site to the north of the site that may be of Roman or medieval date. The settlement of Hurst Green itself has medieval origins and the proposal site occupies a street front location where the potential for medieval and later occupation may be deemed to be rather high.

8.9.2 The County Archaeologist reviewed the submitted Archaeological Desk-Based Assessment and recommended conditions safeguarding potential archaeological remains.

8.10 Affordable Housing

8.10.1 Policy DHG1 (iv) (a) of the DaSA requires 40% on-site affordable housing on schemes of six dwellings or more (or 0.2 hectares or more) in this location. Accordingly, the required affordable housing contribution equals to 2.8 units. As suggested in the pre-application advice (see paragraph 3.6 above) two of the proposed dwellings should be allocated for affordable housing and the

remaining 0.8 (or 80% of one unit) could be a commuted sum in lieu of on-site provision. The payment in lieu sum equals to approximately £65,096.

8.11 Section 106 Contributions

- 8.11.1 In the event that planning permission is granted this would need to be subject to the satisfactory completion of a Section 106 Planning Obligation. Obligations should be; necessary to make the development acceptable in planning term; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 8.11.2 In this case following requirements would be necessary under a Section 106 Agreement:
- Two of the proposed dwellings to be allocated for affordable housing plus £65,096 payment in lieu contribution for the remaining 80% of one dwelling.
 - BNG contribution from the adjoining field within the ownership of the Applicant, which is detailed at paragraph 8.4.6 of this report.

9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 The site is outside the development boundary but adjoins the development boundary on three sides. The current development boundaries are considered to be out-of-date and limited weight is given in view of the Council's lack of housing supply. However, the sustainability of the location in term of accessibility and the impact of the proposal on the landscape character of the HWNL, the habitats of ecological interest and protected species are given considerable weight when assessing this application.
- 9.2 The proposed access arrangements and footpath along the street frontage of the proposed development are acceptable in transport terms. Subject to appropriate detailing of the proposed dwellings, appropriate soft and hard landscaping details and incorporation of the suitable ecology and biodiversity enhancement measures, the proposed development is acceptable in principle.
- 9.3 The proposal would impact the landscape character of the site, but it would still be in keeping with the linear development pattern of development along Burgh Hill. In addition to that, the submitted LVIA demonstrates that the impact of the landscape character of the HWNL could be mitigated and preserved by appropriate soft landscaping. In this case the benefit of additional dwellings to the Council's market and affordable housing stock attracts significant weight. Furthermore, there is a scope to mitigate the harm to the biodiversity value of the site resulting from the proposed development, and the Applicant obtained a NatureSpace GCN District Licencing Report for the proposed development.
- 9.4 Taking all the above into account, overall, the adverse impacts of the scheme (being outside of an out-of-date development boundary) would not significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan and

therefore it is recommended that planning permission is granted subject to a Section 106 agreement.

RECOMMENDATION: It be **RESOLVED** to **GRANT (OUTLINE PLANNING PERMISSION) DELEGATED SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT IN RELATION TO:**

- **AFFORDABLE HOUSING PROVISION**
 - **BIODIVERSITY NET GAIN**
-

CONDITIONS:

1. Before any part of the approved development is commenced approval of the details of the appearance, landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
Drawing No: 326_PL-001 Rev. A dated 18.01.2024 (Location Plan)
Drawing No: 326_PL-100 Rev. B dated 03.06.2024 (Site Layout)
Drawing No: 326_PL-101 Rev. A dated 03.06.2024 (Site Layout)
Drawing No: 326_801 (Canopy Connectivity Diagram) received on 07.06.2024
Preliminary Ecological Appraisal by All Ecology Ltd dated June 2024
Biodiversity Net Gain Preliminary Design Stage Report by All Ecology Ltd dated July 2024
Dormouse Survey by All Ecology Ltd dated June 2024
Bat Activity Survey by All Ecology Ltd dated November 2023

Hedgerow Assessment by All Ecology dated November 2023
 NatureSpace Great Crested Newt District Licence Report dated 03 July 2024
 Archaeological Desk-based Assessment dated May 2024
 Landscape and Visual Impact Assessment (LVIA) dated November 2023
 Flood Risk Assessment & Sustainable Drainage Strategy Version 1 dated 01 November 2023
 Transport Statement dated November 2023
 For the avoidance of doubt the 'Indicative Site Layout' shown on Drawing No: 326_PL-102 Rev.F dated 03.06.2024 is not hereby approved.
 Reason: For the avoidance of doubt and the interests of proper planning

6. The following details shall be submitted in respect of Condition 1 and the development shall thereafter be completed in accordance with the approved details:
 - a) 1:200 metric scale street-scene elevation, accurately reflecting site topography, and showing proposed buildings in context.
 - b) 1:50 metric scale drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, roof-lights, chimneystacks, pipes, vents, and utility meters and boxes.
 - c) Samples of the materials to be used in the construction of all external faces of the buildings.
 - d) The proposed site levels and finished floor levels of all external faces of the buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, which reflects the character of the village, in accordance with Policies OSS4 (ii) (iii) and EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the Development and Site Allocation Local Plan.

7. Within the details required under Condition 1, the details shall include the provision of two smaller affordable housing units within the site unless alternative provisions are agreed with the Local Planning Authority.

Reason: To provide required affordable housing to meet local needs in the rural areas in accordance with Policy DHG1 of the Development and Site Allocations Local Plan and LHN1 of the Rother Local Plan Core strategy.

8. The soft landscaping details to be submitted pursuant to Condition 1 shall include the following:
 - a) Indications of all existing trees and hedgerows on the land and on adjoining land including details of those to be retained, together with measures for their protection in the course of development.
 - b) Design, layout and appearance of structural and amenity green space, including verges.
 - c) Planting plans, including landscape and ecological mitigation measures (e.g buffer planting, bat boxes, dormouse boxes, native hedge planting, etc.).
 - d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
 - e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - f) Details for implementation.

The development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

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

National Landscape in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy and Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan

9. 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 National Landscape in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
10. The hard landscaping details to be submitted pursuant to Condition 1 shall include the following:
 - a) Details of footpaths, kerbs, car parking spaces and other areas of hard-standings and hard surfacing materials.
 - b) Details of lighting (if proposed).
 - c) Boundary treatments and other means of enclosure (fences, railings, walls, hedges) indicating their locations, design, height and materials.Reason: To ensure high quality landscape setting and enhance the appearance of the development in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
11. Prior to the occupation of the development, a landscape and ecological management plan (LEMP) for all areas outside of private residential curtilage shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescription for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including and annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan; and
 - h) ongoing monitoring and remedial measures.The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the Developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
Reason: To ensure a high quality public realm taking account of the characteristics of the locality, their conservation value and enhancing the

landscape character and quality of the High Weald Area National Landscape in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) and EN5 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN4 of the Development and Site Allocations local Plan.

12. No development shall commence until details for the protection of existing trees and hedgerows on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with a scheme for protection, which shall include protective fencing. The approved scheme shall be put in place prior to the commencement of any development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: The site contains trees and hedgerows which contribute to the character of the area and should be conserved to ensure that the development is integrated within the landscape of the High Weald National Landscape. The commencement of any groundworks could potentially impact on trees and hedgerows and pre-commencement measures therefore need to be put in place to ensure that protected trees/hedgerows remain in situ as agreed and with measures in accordance with the British Standard and to accord with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.
13. The details of layout pursuant to Condition 1 above shall include details for the parking and turning of vehicles in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas / storage, and all those approved areas shall be provided before the occupation of the any dwelling in writing by the Local Planning Authority and thereafter retained for those uses only.
Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.
14. The development shall not be occupied until the vehicular accesses with minimum visibility splays of 2.4m x 44m would be provided in both directions and the 2m wide footpath along the street frontage serving the development have been constructed in accordance with the approved drawing no: 326_PL_101 Rev. A (Site Layout).
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
15. Within the details required under Condition 1, proposals for the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted for the consideration and subsequent approval of the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: In the interests of providing sustainable development and protect and safeguard the residential and visual amenities of the locality in accordance with Policy OSS4 (i), (ii) and (iii) of the Rother Local Plan Core Strategy.

16. No development shall commence until a scheme for the provision of foul disposal and sustainable surface water drainage works has been submitted to and approved in writing by the Local Planning authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details. Surface water must not discharge onto the highway and vice versa.

Reason: To ensure the satisfactory drainage of the site, to minimize the risk of flooding and to prevent water pollution in accordance with Policies OSS4 (iii), EN7 and SRM2 of the Rother Local Plan Core Strategy.

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

Reason: To 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.

18. 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 5.

Reason: 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.

19. 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:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routeing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) 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
- h) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

20. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR149, or a 'Further Licence') and with the proposals detailed on plan "Cook's Field: Impact Plan for great crested newt District Licensing (Version 1)", dated 2 July 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR149, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

21. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR149, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

22. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (v1.2, All Ecology, 18/06/2024), the Bat Activity Survey (All Ecology, November 2023) and Dormouse Survey Report (v1.1, All Ecology, 18/06/2024), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To protect species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended and in accordance with Policy EN5 the Rother Local Plan Core Strategy and Policies DEN2 and DEN4 of the Development and Site Allocations Local Plan.

23. No development shall take place (including any demolition, ground works, site clearance) until a method statement addressing precautionary working and habitat compensation and enhancement for reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and

g) disposal of any wastes arising from the works.

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

Reason: To protect species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended and in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

24. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species (including bats and hazel dormice) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (such as through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: to ensure the protection of protected species (such as bats and hazel dormice) and enhance their habitats in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

25. No development shall take place until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection and enhancement of retained habitats, and habitat creation and enhancement to achieve a measurable net gain, informed by and in broad accordance with the Biodiversity Net Gain Preliminary Design Stage Report (v1.2, All Ecology, 01/07/2024) and including, but not limited to, measures identified in the Preliminary Ecological Appraisal (v1.2, All Ecology, 18/06/2024), Bat Activity Survey (All Ecology, November 2023) and Dormouse Survey Report (v1.1, All Ecology, 18/06/2024), has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

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

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

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment, Rural Communities Act 2006 and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

26. Time limit of development before further surveys are required.

If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within one year from the date of the planning consent or if there is a change to the conditions on site and / or issues not previously addressed become apparent, the approved ecological measures shall be reviewed and, where necessary, amended and updated. Where required the review shall be informed by further ecological surveys, commissioned to i) establish if there have been any changes in the presence and/or abundance of species and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: to ensure adequate mitigation and compensation can be put in place and to ensure the protection of species and their habitats without committing an offence in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

NOTES:

1. The Applicant / Developer is advised that the submitted indicative layout is not approved.
2. The proposed development will be subject to the Community Infrastructure Levy at the reserved matters stage.
3. This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.
4. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
5. It is recommended that the NatureSpace certificate is submitted to this planning authority at least six months prior to the intended commencement of any works on site.

6. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR149, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.
7. 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
8. The access will require constructing in accordance with ESCC specification with all works carried out by an approved contractor under the appropriate legal agreement. The Applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that any works commenced prior to the Section 38 legal agreement being in place are undertaken at their own risk.
9. For the avoidance of doubt the Applicant is reminded that:
 - Parking spaces shall measure at least 2.5m by 5m with an extra 50cm on each dimension where spaces abut walls or fences).
 - Any garages shall measure at least 3m by 6m (internally) and will count as 1/3 of a space of the total parking provision and requirement.
 - Cycle parking shall be covered and secure and in a convenient location for each dwelling.
10. The Applicant is advised to consult Southern Water to connect the proposed development to the public foul sewerage. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119), Website: <https://www.southernwater.co.uk/> or by email at: SouthernWaterPlanning@southernwater.co.uk

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.