

RR/2018/1787/P Strand Meadow – Land to the south west of

Rother District Council Planning Committee meeting

Thursday 17th January 2019

RR/2018/1787/P Strand Meadow – Land to the south west of

Present:

Cllrs. Kentfield (Chair), Douart, Curtis, Elliston, Stevens, Hughes, Barnes, Ganly, Watson, Oliver, Earl-Williams, Prochak.

Planning Officers:

Tim Hickling (Head of Service), Sam Batchelor (Principal Planning Officer in development management), Sarah Shepherd (Case Officer).

Burwash Parish Ward:

Cllr. Eleanor Kirby-Green
(Some councillors absent.)

Burwash Parish Council

Cllrs. Kenny, Rees.

Burwash Parish Clerk

Jane Cheshire

Petitioners: Burwash Parish Council, Strand Meadow Residents, Burwash: Save Our Fields from Concrete

Campaign Groups – Strand Meadow Residents, Burwash: Save Our Fields from Concrete
About 40 members attended.

Cllr. Kentfield. Any disclosures of interest?

Cllr. Prochak. Thank you, Chairman. Two actually, because CPRE have commented and my husband is the Chair of a branch of CPRE – that is Burwash 1787 and Pett 368.

Cllr. Kentfield. Any other declarations? Just for information of members, the last meeting I declared an interest, my wife normally works (unclear), she doesn't work there any longer. We will move onto the agenda, item 6 which is the first application RR/2018/1787/P, Burwash.

1- Report from Sarah Shepherd, Case Officer

- Good morning Members, the first application this morning is the Burwash application RR/2018/1787/P.
- Members visited the site visit on Tuesday.
- Cllrs. have a full appraisal before them in the agenda.
- An update has been circulated with comments from Cllr. Barnes with additional comments from neighbours.
- The site has been allocated for housing for an extent of 12 years and was subject to scrutiny from the Local Planning Inspector before approving its inclusion in the Local Plan in 2006, albeit at that time for 17 units.
- The committee has previously considered on its own merits, and granted, outline permission for 30 units on a slightly longer development area within the site.
- That permission was issued subject to conditions under a Section 106 agreement which was signed and completed in March 2018.
- The principle of 30 dwellings on this site, utilising the access via Strand Meadow, had therefore been accepted.
- The application before you is not for reserve matters but for a full application seeking to accommodate 30 units on the site, but with details of the development and excluding affordable housing on viability grounds.

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- The viability has been fully assessed by the District Valuation Service (DVS) which, regrettably, has concluded that the scheme is not viable to provide affordable housing in accordance with our adopted policies when all other costs are considered and those costs include CIL and an industry standard level of development terms.
- In response to this, the DVS have recommended that the Council imposes a review mechanism for the scheme, in order that we can analyse the actual costs incurred in the scheme at a later stage of development.
- If the abnormal costs are lower than currently estimated, this may produce a surplus that can be used towards delivering affordable housing, either by on site provision, or as a commuted sum.
- The commuted sum would be ring fenced for affordable housing within the district.
- Whilst it is recognised that this position is less than ideal, in view of the outcome of the independent assessment by the DVS, the due mechanism is supported by the Housing and Planning Services as the most suitable option available based on the provision of affordable housing.
- On this basis, a robust review mechanism is to be included in any 106 agreement, and this is set out in paragraph 5.12.2 of the report.
- As with the assessment of the report the reviews would be subject to independent scrutiny.
- In noting various other objections, specific mention is made of design, drainage, and the footpath link
- The design has been amended to provide increased particulation to the elevations and the applicant has sought to provide a more interesting development than that of the town houses immediately adjacent to the site.
- The site does lie within the AONB, but it is not closely related to the historic core of the village.
- Given its site in the inner valley, adjacent towards the modern housing estate, a more modern approach is not considered to be unacceptable in this instance.
- While full drainage details have yet to be agreed, the method of foul drainage, whether via a package treatment plant or connection to the main sewer, would not affect the layout, or nature, of the scheme.
- As such, this could be determined by pre-commencement conditions which our usual manner of dealing with these.
- The footpath link through the site, southwards towards the village, has been the subject of previous discussions and is an item included within the existing, and any proposed steps, to 106 agreement.
- The current contentions that the Playing Field Association may not now allow a footpath through the recreation ground, is noted and as such, the reference to the route of the path, which is referred to in paragraph 6.11.2, that is where we list the section 106 planning content, should be amended to also include the recreation ground and/or Ham Lane, this was the wording that was used on the previous application.
- With regards to the recommended conditions, it is noted that condition 2 that a couple of plans are required be updated with their revision references and condition 14 is actually a repeat of condition 6 so can be deleted.

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- The recommendation is to grant full planning, subject to conditions, and the prior completion of a Section 106 agreement.

Cllr. Kentfield

This application has a petition and the first speaker is a Mr Robert Banks, you have five minutes to speak. We will give you times, time starts when you are ready.

2 - Robert Banks (to speak for Petitioners - Burwash Parish Council, Burwash: Save Our Fields from Concrete and Strand Meadow residents).

Before speaking, could I say that from where I was sitting, I was having difficulty hearing what some members were saying. I shall bear that very much in mind and hope that when the recording devices don't work, somebody knows about it because members may have noticed that there is a very great deal of public interest in this matter. I hope that is helpful.

Cllr. Kentfield

What do you mean you couldn't hear speaking Sir? Was it when I was speaking? Would you turn the mic on?

Robert Banks

I couldn't possibly comment.

It is an honour to address you on behalf of Burwash Parish Council, and the residents of Strand Meadow and Burwash: Save our Fields from Concrete.

The views I give are based on the views expressed by the local residents at public meetings. I am also supported by 439 individuals who have objected. No one supported the scheme on the portal. The views of the community **do** matter. You may have noticed the posters in Strand Meadow. I am told every house put up posters except those who landlord forbids posters.

The choice for you is stark. You either apply the planning rules, or hand over a large cash windfall to the developer with no community gain. Put another way. It's cash for false statements or you choose to safeguard Rother most important heritage, the beauty of its glorious AONB.

The main issue is **design**.

It is understood the designs were not drafted by architects. Your task is to ask can 'I be sure the two experts' that you have before you on architecture are wrong. Because, if you think they are right, or may be right, there is no issue for you, you have to refuse the application. No condition is allowed to be imposed, that is because of the NPPF. The planners accepted Park Lane Homes approach that the reference point for the design was the 1960s -1970s Strand Meadow development which you saw on the bus trip. That had to be in defiance of the old, and the new, NPPF and the Core Strategy, because it is local feature not the most convenient one.

As far as Viability is concerned, Park Lane became involved in the site in 2005. This is the third planning application by the consultant. The community has never been able to ask their London expert to properly evaluate the report. Park Lane relies on a site inspection report to justify their decision. They have been repeatedly asked for it. They have repeatedly refused.

There are three approaches to the viability report.

- 1 The developer's approach - enhance the figures so you can have the result you want.
- 2 The District Valuer's approach is – look at what is in front of him, see whether it is in the discretion of the person presenting. He is not obliged to do any investigation.
- 3 The third approach – which is the one you are obliged to take, and that is, "Are you satisfied the figures are correct, can you rely on them?"

We say if there is no independent assessment because our expert can't see the information, and they are not handing it over, you can't.

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As far as **transport** is concerned, notwithstanding the grant of outline planning permission, you are required to judge the traffic as of today's date. The Hickling report says the traffic is not now a problem. If your bus had visited the street in the evening when there are 60 extra cars parked there by those were at work it would have been trapped.

Cllr. Kentfield. You have one minute, Sir.

Robert Banks. Thank you. So the traffic situation is worse and it has not gone away.

As far as **Sustainability** is concerned, it depends on the bus services which are virtually nonexistent, and on the footpath, which on the plans they produced only goes up to the boundary of the playing field. It is not a link; it is just to the boundary of their land. So this thing cannot be sustainable. But more importantly, the Hickling report, goes on about who had confidence in all these discussions, well the fact is, there was one private chat and a request in 2011 which was turned down simply against the sporting condition.

The **Sewage** plans are hopeless and that is against the condition and the ecology has not been dealt with properly, thank you very much – **Cllr. Kentfield.** TIME UP.

Cllr. Kentfield. Are there any questions for the speaker? Cllr. Mrs. Barnes.

3 – Cllr. Mrs. Barnes. Thank you very much indeed Chairman. Yes, I would just like to ask a little bit more about the design, you are obviously worried about the design. Can you just elaborate on any points of the designs that are particularly matters of concern?

Robert Banks. Yes, in relation to the design, Councilor. The position has changed over the last few years. There was a feeling in planning matters, as you know, that really this is a matter for the taste of the developer, and as a result our community is scarred with frightful developments. There was political pressure reduced on planning authorities, particularly in Central Government, for designs to be improved and the people who were to take control of that new policy were the local planning committee – you, and your colleagues. And that was based on a complete redraft in the new of the NPPF which stresses the importance of design which is laid out in the paper. But, the problem with these designs is, we understand that they were originally done by Mr. Beswick himself, and then passed to his consultant. That firm has no architect. And, when you are designing in a community like Bexhill, the modern position is you need to raise the tone of the area by concentrating on good development. But special features arise when you are in somewhere like Burwash, or, may I say, many of the northern parishes with their historic villages and their AONB. And what happens with designs, not only do you have to improve the quality of the area, when you are in the AONB you have to minimise the damage to it. And that can be done. I have seen many new developments. I remember a particular one in Bath, which was not just suitable, it was beautiful. It actually enhanced the neighbourhood. What town could be more difficult to build in than in historic Bath where to get the signature of the local character was exceptionally difficult? I stopped in the street and just admired it. Now here, the policy is **cash**. So cash means cheap housing, cash means save on architects, cash means saving on design, cash means cutting on corners, on footpaths – all sorts of things. And as far as design these are wholly unsuitable for this area. And in particular, under the NPPF, it has to be taken from the local area. What they have done, they have taken it from the local housing estate. Well, quite a lot of people, here and above, live there so can I say it very carefully, it is of its time, that would be the first way I would say it. And also, I would say many of them would like it improved. But just imagine 60s or 70s development, and that isn't what this should be. What you need to do, is you need to collect the signature architecture in the neighbourhood. That may be in the northern parishes, it may be in Burwash, and then you have to reflect that in these designs. But, what they've done is, they have introduced urban design which is why our experts are so scathing. And it is their

expertise which you have to examine most carefully. Because there is no one on the other side who can say those are good designs except for the self-serving developer. Does that help?

Cllr. Kentfield. Thank you very much Mr. Banks. Cllr. Dowling.

5 – Cllr. Dowling. As I understood it Mr. Banks, Cllr. Mrs. Barnes was asking what specific aspects of the design is displeasing?

Robert Banks. Oh, right. The first is they don't meld into the local community, they jar, they are unsuitable for people who live in it because of the light, because of the hill behind. So, the front looks north the back is trapped by the slope. It is impossible for disabled people to use, young people, infirm people and Burwash, I hope people behind me don't mind, Burwash has an elderly population. They have to go and live elsewhere, they won't be able to live here because of all the steps. And, in our report, you may have noticed the designs of the flats, in which you have steps in the front, and then you have to go up a series of steps to go to the next floor. You end up in the attic, and then you have to go downstairs to the living room. And that particular room, is tiny and isn't self contained. It is wholly unsuitable. There is also a problem as it rises up the hill and is disfigured. But, if you were able to see the designs we put in our literature, you can see that what they have done is they have selected the cheapest, and that cheapness has introduced a lot of materials and styles, that not only jar with themselves, but they also jar with the local community. I hope that helps.

Cllr. Kentfield. Thank you. Cllr. Mrs. Prochak.

7 – Cllr. Mrs. Prochak. Thank you. And thank you very much for your presentation. Just by the way, I love that, put it on the wall or sell it is a post-card (holds up the design of Burwash High Street houses that is on the cover of John Barkshire's book – Burwash: Domesday to Millennium) the design of Burwash houses, I love it.

Robert Banks Can I interrupt you? I can't take any of that credit, but that was a well loved resident who designed that and put it on the book. The book proclaims the beauty of the architecture of Burwash. So, although he has gone on to fight other battles upstairs, I regret to say, I am pleased to say that I would like to tell him that you like his work.

Cllr. Mrs. Prochak. I am sorry you can't pass on my congratulations.

Robert Banks. Well I don't know when I am going there!! (laughter)

Cllr. Mrs. Prochak. As a planning expert, you will know what we will be told as decision makers, we are hamstrung by the fact that there is a permission already there, it has already been allocated as a site. And I know this only too well from my painful experience in Robertsbridge where a site has already been allocated against popular opinion, against the referendum, but it still went ahead. Now, my question is – what would be acceptable, because there is going to be some development on that site.

8 – Robert Banks. Is there?

Cllr. Prochak. This is my question.

Robert Banks. Do you mind if I break it up? I deal start first with that part first thing.

Cllr. Mrs. Prochak – No.

Robert Banks. The first thing is the planner's advice, and, as we know from the last occasion, there is a great deal of room for improvement in relation to that advice. Looking at the report, the Hickling report, it is defective in many respects. The position with regard to you as a committee member, you are given advise, but it is your decision, the same way as every tribunal, and every council in the country, what you expect and what you reject. And they cannot tell you what to do. They can advise you, but the decision what you do is yours. But be careful, because you cannot go against what you have said unless you have a really good reason. It is not a free for all, and I hope I am not telling you something you don't already know. But, as far as the importance of this design, it is for you to judge the design objectively. And, when it is said that the houses, permission has been granted for the houses, design is not something that was tested then. And, now that design is being put forward, you have a duty to

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refuse it if it is poor. Well, I hope I am not insulting you to say that it would be hard to find anybody in Bexhill, or in the northern parishes, one with that would say the design is very poor. But, once you have selected the design, the fact there were houses, have been granted, is irrelevant, because, that is the issue you took last time and we, as you know, don't challenge the issue of the houses, we challenge the design. And, they make their choice to put forward cheap, ghastly designs, and we would say restrict it so there is only one decision. And, that's their decision.

Cllr. Kentfield. Thank you Sir. Any other questions? Thank you very much. (Applause) Mr. Pickup. I invite Mr. Pickup to speak. Thank you Mr. Pickup, you have 5 minutes, I will give you a one-minute warning.

9 – Mr. Pickup (to speak for the developer – Planning Consultant). Good morning. As you heard from your officer, the council has already granted outline consent for 30 dwellings on this site including details of proposal of access by Strand Meadow. This means the principle for this number of units and the site density has already been established as being acceptable. Despite the objectors organized campaign to park cars in Strand Meadow during your site visit on Tuesday, the Council, in consultation with the Highways Authority, has already satisfied itself that the access arrangements are acceptable, including traffic generation. There are no proposed changes to these proved matters of arrangements and there remains no objection from the Highways Authority. As you have also heard, the applicant has submitted the full application in the reserved matters scheme as a result of a detailed costings, following extensive ground metrications with the need for expensive pilings for all the dwellings. Together with previously unknown costs is to be found developing the site would not be viable were to it include 40% affordable housing. The viability assessment has been submitted with the application, as confirmed in the committee report, both with the Council's own independent financial viability advisors, and the housing department, are satisfied that, neither the proposed previous scheme 17 or 30 units or the current scheme are viable if affordable housing is included. The objectors also commissioned an independent viability report which we believe concluded that the scheme is not able to support affordable housing. Costs associated with the development of what has turned out to be a technically difficult site, together with substantial costs incurred to date, and the CIL payments of around £750,000, means that affordable housing contribution should no longer be offered, although the planning obligation will contain a mechanism to review the situation should the possibility of the scheme be proven to be enforced. Whilst some objectors disagree with even the principle of development of the site for housing, as you heard, the land has been allocated for this purpose and has been within the development boundary since the Local Plan was adopted in 2006. It may indeed help the Council to meet their housing commitments. The Council's 2014 adopted Core Strategy requires 50 additional dwellings to be provided in Burwash by 2028. But other than this site, there are no other sites in the pipe-line. The Burwash Neighbourhood Plan has still not reached its submission stage, and it is clear from the recently published steering committee report, the Parish Council are currently unable to identify any other sites in order to meet the Core Strategy's housing requirement. Objectors also raised concerns about the proposed housing layout and design. This has, however, been carefully conceived and advised in consultation with officers as a product of many considerations. The housing area is limited to lower southern slope of the site by a relatively narrow valley floor and its steep gradient between 1/5 and 1/6. That lends itself to split level housing in order to avoid substantial excavation and soil removal from the site. The layout follows broadly plan proposed and approved at the outline stage and, whilst the majority of housing would be 2 to 2½ storey at the front, and 1½ storey at the rear, to reflect the steep changing ground levels, it it considered the under-build, would be no higher than the 16 pairs of three storey semi-detached houses in Strand Meadow. Also, in consultation

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with officers, the immediate scheme includes a range of architectural features that generally reflect those found in the sub-urban part of Burwash. The scheme is designed to include dropped eaves, eaves-line dormers as well as weather-boarding and tile-hanging to create its own character. And, whilst such features exist in the High Street, it would be inappropriate, and out of keeping, to design the houses as a pastiche of house building style as found within the Burwash conservation area. Proposed drainage arrangements are the same as those approved at the outline stage, subject to appropriate planning conditions and the committee report. The car-parking arrangement are in accordance with the Highway Authority standard, and as many trees as possible will be retained there will be new planting according detailed landscaping scheme.

Cllr. Cllr. Kentfield. You have one minute Sir.

Mr. Pickup. Thank you. There will be no hard impact on ecology. The proposal is not just to deliver much needed housing, however, as most of the site is reserved as a wildlife and landscape buffer area, it with the remainder set aside for public access to use as either, informal open space, or transferred to the Parish Council to use as allotments. As with the approved outline scheme, the also include a new footpath from Strand Meadow to the boundary to the village recreation ground, and we have had discussions with the Playing Field Association. For these reasons, on behalf of the applicant, I hope you will be able to support the officers' recommendation to grant full planning permission subject to the planning conditions put forward in the draft planning obligation. Thank you.

Cllr. Kentfield. Thank you, sir. Are there any questions? Cllr. Mrs. Prochak.

10 – Cllr. Mrs. Prochak. Just a quick one, really. In the people objecting, they are saying, the Parish Council is saying, that there has not been a formal consultation with the community. Could you say if this is so or whether it has been admitted?

11 – Mr. Pickup. There was some form of consultation with the local objectors in early December at a meeting organized by them. So, there has been a consultation.

Cllr. Mrs. Prochak. Sorry, I don't understand, they organized the meeting, not you?

Mr. Pickup. They organized the meeting, we attended the meeting and answered questions they raised.

Cllr. Mrs. Prochak. Sorry to press, so it wasn't a public meeting then?

Mr. Pickup. It was organized they invited us to the meeting, so, as far as I am aware the members of the public could have attended the meeting.

Cllr. Kentfield. Cllr. Curtis.

12 – Cllr. Curtis. Thank you Chairman. Good morning Mr. Pickup, thank you for your details, I'm just following on from my colleague, Cllr. Mrs. Prochak's question, because I think it is quite important that something so varied and so much, so many questions from an ancient site in the Weald of Sussex, that, as far as I am aware, that the informal meeting that was called on the 4th December seemed to be months too late. There are an awful lot of concerns over this which we hope we will get to later. I am surprised that no effort has been made in any way, whatsoever, to discuss the matter with the community, that it seems to have been ignored. Just we are going to build the houses and...

13 – Mr. Pickup. The principle of developing the site has long been established, there is outline consent for 30 houses on the site. We have had extensive consultations with the Council's officers and submitted our scheme in pre-consultation with their comments. **Cllr. Curtis.** Thank you.

Cllr. Kentfield. Cllr. Ganly.

14 – Cllr. Ganley. Thank you Chairman. I am still unclear why, Mr. pickup, the applicant didn't feel it necessary to consult with the local population, or indeed the Parish Council. But, you have given your answer for that, so I'll move on. Cllr. Barnes, in his presentation letter

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yesterday, specifically said that the Playing Field Association have not been in discussion with the applicant about the footpath. Would you care to comment on that?

15 – Mr. Pickup. I will get the email concerned. This is an email from the then Chairman of the Burwash Playing Field Association, he says ‘I am the Chairman of the Burwash Playing Field Association and writing to you on behalf of the committee regarding this application’, and asked us to keep in touch with the Playing Field Association Secretary Halina Keep, which we have done. Had meetings with the Chairman, while he was the Chairman, and discussed arrangements for, possibly, crossing the playing field land and over a right of way, which is in our control and there is provision for a footpath link to be provided from the boundary to the pavilion which was discussions were not as part of this application. So, as it stands, the proposal that we have, takes the surface footpath up to the boundary as part of the planning policy and the planning agreement. And it takes the public to the boundary of the recreation ground, from the recreation ground of course is a public facility, able to cross the recreation ground on that footpath as a matter of right.

16 - Cllr. Ganly. It would seem that the applicant and Cllr. Barnes have different views on the matter and, as he is not here, we can’t proceed with that issue. My last question would be with regard to design. You have heard Mr. Banks’ remarks on design, would you care to comment on this?

17 – Mr. Pickup. Yes, what I think is tending to be overlooked here is that this is not a flat site. A flat site you can design as you like. But if have got a technically complicated site like this one, as I mentioned a 1/5 to 1/6 gradient, that, to a large extent, dictates what housing you can achieve on this site. Although this is 2½ storey at the front, it is only 1½ storey at the rear, that indicates the level of gradient change from the front of the site to the back of the site. That starts to indicate the type of house design we can achieve on this site. We have significantly reduced the height of the units since they were originally submitted and reduced by about 3 metres or so. So this is a revised design, and it is a design that has been discussed at consultation with officers and I can’t really say more than what is in the committee report about the acceptability of that. It is in the committee report and he agrees that the design is appropriate and acceptable for the site. We are not trying to mimic houses in a conservation area, and it would be wrong to do so, because then it would not be in keeping with the neighbouring houses. We have tried to introduce houses that are of its age, so it is not the same as existing houses, this is something new and different, and there is a range of materials, far from being cheap, they are not cheaply produced houses. These are not cheap materials, there is no evidence for the objector to say that. And the designers are very competent, and very established and do an awful lot of housing developments in this area and know this area extremely well. Unlike some London architects, maybe, who don’t know this area, these architects do and also the developer himself are very experienced in this area, have done all their house building in this area, they are a local house building company. They know the house building styles, they know their market and this is the market that they build for. They provide a range of houses, for first time buyers, those wanting to down-size from larger houses, the needs of housing and appropriate housing for the site. It is a well contained site it is the lower part of the valley as you would have seen from your site visit on Tuesday. It is a well contained site and the local planning inspector described it as an inconspicuous extension, we think this is an appropriate way to provide 30 units on this site, given the constraints that exist on the site and the fact that it is an acceptable design, as do your officers.

Cllr. Kentfield. Cllr. Mrs. Barnes.

18 – Cllr. Barnes. Thank you very much. Chairman. I was present at that meeting. The meeting was called, initially, by the no concrete group. As far as I know, I was the only person there who was not part of the no concrete group. I was there on the strict understanding that I said nothing, but I was there because my husband is one of the District Councilors for Burwash.

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Therefore, one is very surprised that a development of 30 houses in Burwash should not be shared for consultation with the Parish. Makes me wonder whether the absence of the 17 affordable houses was a reason for not sharing with the Parish. The Parish is probably among the most friendly, most interesting, they are as a group of people. They would have responded well to a consultation in the village hall if it was called by the Parish Council, had the Parish Council had that opportunity. So therefore, I was left with the suspicion that he really didn't want to have a public consultation, because you knew that there were not going to be any affordable houses and this is what the entire Parish would have liked to see. I was really struck, not particularly by the, as you said, contrived traffic blocking in Strand Meadow, but I was very struck by the number of bills posted in the windows of the houses all saying they had been cheated on, that they have been cheated that they haven't got affordable housing. Now, this is just my indignation of the fact that you are trying to tell us that it is not necessary to have a consultation with the Parish. What I would like to ask you about is actually the design. It is possible to have in Burwash, a design that is not a pastiche, that is as one looks at the latest housing development which right by the entrance to Strand Meadow, it is possible to have a design which actually is approved by the locals, everyone has been approving of that. It is a rural design. I think what we are absolutely amazed at is the fact that you can be putting in a design that is actually so counter to anything else that is in Burwash. I will try to turn it into a question, because my indignation is such that I really am finding it difficult but why did you decide that this design was the right one and why is not possible to design something which is more in keeping with the rural setting?

19 – Mr. Pickup. This design, and the features do incorporate many of those found within the local area. The materials complement those found in the local area, and the three storey houses in Strand Meadow at the moment, you can't say the design of the development is out of keeping and forms part of the character of the area. And I can only repeat my point about the levels of the site taken to some extent before this design is achievable. Otherwise you have very extensive excavations, you have to have huge retaining walls for back gardens, you have got a lot of soil to take out of the site, that will cause chaos in Strand Meadow, huge expenses, the site would not be viable at all if that were to occur. The levels are what the levels are, the detail considerations of the levels have been taken this into account very carefully and hence the split-level design that has been put forward. We think the design appropriate for the site and accepted by your officers.

Cllr. Kentfield. Thank you. Cllr. Elliston.

20 – Cllr. Elliston. Thank you for your presentation. I believe you are a very experienced builder, and I see you have been looking at the site for several years – 2011 I see. What has suddenly happened making it no affordable housing? In the earlier ones had affordable housing, what has changed your mind?

21 – Mr. Pickup. There hasn't been, hasn't been a change of mind, it has always been a proposal to include affordable housing. This site has gone on for many years now, there has been a lot of changes over those years, not least the introduction of CIL in, I think, December 2018. It wasn't even known about when this was being first considered for development. So that has been a major consideration. £750,000 CIL payment, it is not an inconsiderable amount for payment. Once outline was granted as an application, detailed investigations have shown that the ground conditions that there is a need for piling, piling for foundations is hugely expensive. Add on the CIL, you have then got the in the sewerage diversion, which we didn't know about at the time the outline consent was granted. The surface water attenuation scheme, is now being considered in detail, there is something like 300 cubic litres of water need to be contained on the site and let out into the stream gradually, so an attenuated flow, there is an extra cost there. It's because the site slopes, that the houses need an under-build at the front of the house, that is unavoidable. How ever you develop this site, you will have a degree of under-

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build, the field not only slopes in one direction, it slopes in another direction as well. You have two different directions of slope. Plus, there is the cost of enhanced landscape within the buffer zone, not an insignificant buffer zone area on top of a problem site. So all these costs put together, mean that it was fully intended to provide affordable housing that simply doesn't make the scheme viable. Now that has been accepted by the Council's own independent assessors, by the housing client and, as I understand it, the objectors own appointed financial viability assessors, that the viability is a material consideration. This site needs to generate some profit, otherwise there is not housing on this site at all and this site is needed for housing.

Cllr. Kentfield. Thank you. Cllr. Elliston.

22 – Cllr. Elliston. I was just wondering why it has taken so long to realise the steep slope which is very difficult. (laughter)

23 – Mr. Pickup. Well it is not until you do the detailed investigations that you know exactly the nature of ground conditions and the steepness of the slope. And, it is at that stage that you then start to do the detailed designs, which is what we have done, which has come up with this designs. In fact, the housing that is being put forward, is not so significantly different to the houses that are indicated in the outline scheme. In fact, they are only marginally higher than in the outline scheme, they have always been split level houses because you can't design, you can't build this site where the housing is allocated, in any other way.

Cllr. Kentfield. Cllr. Curtis.

24 – Cllr. Curtis. Thank you Chairman. A couple of questions if I may, there might be two or three. But just going back to your discussion briefly on the footpath. What was it you mentioned that you had a conversation with an email, what was the date please?

Mr. Pickup. That date was, I think, August 8th, sorry beg your pardon, August 4th, to which we responded on August 8th. 2019 (he means 2018).

Cllr. Curtis. Yes, Okay. And as I understand it to date, there still isn't a formal proposal to the appropriate body about the, to continue the footpath which according to County is a requirement to make development sustainable.

Mr. Pickup. That is simply not true, not the case, we are required by the planning policy to take the footpath to the boundary. To take the footpath to the boundary is also a requirement, and the playing fields are publicly accessible ground.

Cllr. Curtis. We won't dwell on that one. A couple of other questions. Could you confirm that you said that the designs of the houses were made in London, or by a London company?

Mr. Pickup. No, no, no, I said the opposite. I said the houses have been designed by a local company based in Sedlescombe, that is not too far away from this site, and know the area very well, and are very, very experienced designers.

Cllr. Curtis. Okay, I must have misheard you.

Mr. Pickup. No, I said it is not like the London architects who don't know the area, local architects do know the area.

Cllr. Curtis. That will go some way to explain the design of the houses, which actually do replicate the Docklands. Now my last question if I may. Obviously there is a lot of contentious issues over this site, about the costs. My colleagues have already asked you that you have been aware of it for eleven years. I mean, we made the comment when we went visiting the other day, we all stood as we went through the entrance waiting for the cable car to come. You know, it was, the topography that steep. But, my question actually is - because of the difficulty and the complications of the site, and, apart from the fact the lack of affordable housing, which is something that is absolutely required, in an urban setting (he means rural), why?, if it's not that viable, why?

Mr. Pickup. Sorry, I am not sure what the question is.

Cllr. Curtis. The question is why, why build there in the first place?

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Mr. Pickup. Well, because it is an allocated site for housing, and it has always been earmarked for housing, and Burwash needs 50 additional dwellings, of which this would make an important contribution...

Cllr. Curtis. They certainly do, but, they need the additional dwellings of similar type to suit the area.

Mr. Pickup. It's not as if there hasn't been any affordable housing in Burwash. There has been 10 units in Shrub Lane, 19 into the Old Rectory. So you have got 29 units.

Cllr. Curtis. I won't continue on that one. But just to confirm, obviously it is a very important issue. Apart from the meeting on 4th December, there has been no other consultation, with the Parish Council and/or the residents of Burwash. Could you confirm that for me please?

Mr. Pickup. That is correct, but the, obviously everyone has had the opportunity to make comments on the application, that has been taken into account by this committee.

Cllr. Curtis. I think that if you driven down that road, you don't need to read anything, it is clearly visible.

Mr. Pickup. That is an entirely contrived exercise because the objectors.... (Boos)

Cllr. Kentfield. Ladies and gentlemen, no arguments please.

Cllr. Curtis. It is not an argument; it is a point of fact. (Mr. Pickup interrupted) Excuse me. If you drive onto an estate of houses, regardless of rented or owned, or whatever, and, out of a hundred houses every single window has got has a poster. And you don't think that's a problem.

Mr. Pickup. I could go round a road with posters and say 'would you mind putting it up in your window'.

Cllr. Curtis. You're being pedantic.

Mr. Pickup. On the access point, the access is actually going to be widened, quotes - propose to widen the access to get parking off the street, that 11 car parking spaces, that is part of the approved scheme for Strand Meadow. And what you experienced in going to the meeting at the site, was contrived, because they were cars parked there that aren't normally parked there.

Cllr. Curtis. But I didn't actual mention parking, but thank you.

Mr. Pickup. That was the situation.

Cllr. Kentfield. Cllr. Mrs. Prochak.

25 – Cllr. Mrs. Prochak. Thank you. In fact, it follows on from the questions about the viability of the site. You have explained, and we can see for ourselves what a difficult site it is. But in your viability calculations, I think the average cost of each dwelling is going to be in the region of £320,000. And, it seems to me, that that is very expensive, and that was the basis of your profit. I may have got it wrong, perhaps you could explain.

Mr. Pickup. Well, it is going to be difficult. I wasn't the author of that report and it is a very, very technical report. And, my understanding, based on comparison of house prices in the area. Houses are so expensive they will not be sold. These are reasonable priced and there will be a range of house prices reflecting the different house sizes themselves. And if want to have particular reference to that, we have got the financial viability assessor, if you able to speak to him, and he allowed to speak, and ask him your questions, he is better placed to do that than I am.

Cllr. Kentfield. Cllr. Ganly.

26 – Cllr. Ganley. No further questions.

Cllr. Kentfield. Cllr. Watson.

27 – Cllr. Watson. Just a bit of a cheeky question, do you build houses for the 21st Century, or not?

28 – Mr. Pickup. I don't build any houses; I am a planning consultant. But, yes, the company does build houses for the 21st Century.

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Cllr. Watson. And do you think that this site is best reflecting where housing is needed. For example, under Disability Act, where you have steps and no other form of entrance or getting around the flats is actually correct?

Mr. Pickup. Again, it would be virtually impossible to build this site without having step access because of the nature of the site you saw on the site visit. All of these houses will be compliant with Part N of the Building Regulations, which do, on steep sites permit you to put steps, but there, I have the recommendations here. But they do require you to do it in a certain way, in terms of the actual height of the steps, use of hand-rails. So it might be – I have particular difficulty with steps - so the steps can be designed in a way that it can make ambulant disabled people able to use the houses and get access to the houses.

Cllr. Kentfield. Cllr. Ganley. No. Sorry, Cllr. Mrs. Earl-Williams.

29 – Cllr. Mrs. Earl-Williams. Thank you Chairman. Much has been made of the fact that obviously it is very steep and very difficult access for anybody. I can't see that any other than pretty able-bodied people would be able to live there. Unless you are a goat. But I understand that you will be having allotments, which sounds really nice, except I am a little bit puzzled how people are going to carry, or use, wheelbarrows and carry sacks of earth to allotments. How is the access? How, what ground access is there to the allotments? Other than from the estate itself?

30 – Mr. Pickup. Those details are going to have to be ironed out in due course. At the moment, it's an offer to the Parish Council to transfer the land to the Parish Council for allotments which should they wish to accept them. The Parish council have on their parish web site saying there is a call out for land to provide for allotment land. So that is the offer to provide this as allotment land. The alternative is it that can be used as informal open space, doesn't have to be used as allotments.

Cllr. Mrs. Earl-Williams. Have the Parish Council responded to that?

Mr. Pickup. They did some time ago, but not recently.

Cllr. Mrs. Earl-Williams. As I remember they were worried about the access too. It doesn't seem to me to be very suitable for allotments, personally. Although I myself would want one myself.

Mr. Pickup. As I say, it doesn't have to be allotments; it can be informal open space.

Cllr. Mrs. Earl-Williams. So, there's not really much point in putting it in there, then?

Cllr. Kentfield. Cllr. Oliver.

31 – Cllr. Oliver. Thank you Mr. Chairman. I am not going to say too much; an awful lot has already been covered by the presentations. I just want a word about viability, access, including affordability, design; all these issues are there. What I feel very sad about this is this obviously has been around for a long time. Is that the developer here has made commercial errors, and is looking to resolve those commercial errors he is looking for that to be borne by the residents of this neighbourhood who live there, and have lived there as their homes with minimal consultation. I just don't think it's fair, and I don't need a response to that.

Cllr. Kentfield. Question.

Cllr. Oliver. Sorry, Chairman, if I may, my question is basically, they have made commercial errors in the viability of this particular site.

Mr. Pickup. No. Because as I have said before, circumstances have changed over time.

Cllr. Kentfield. Thank you very much indeed, Mr. Pickup.

Mr. Pickup. Thank you.

Cllr. Kentfield. Discussions with (Rother District Planning Committee) members. Cllr. Mrs. Barnes.

A – Cllr. Mrs. Barnes. Thank you Chairman. Well for once, we seem to have covered most of the points and concerns, and then this very, very great concern indeed. Not least, the concern of those living in Burwash who find the design of these houses particularly abhorrent. My main

concern is about the abundance of the steps. I was very interested to look at the design of Plots 5-14, which shows on the one side sloping roofs, from the back it shows a straight one. It's just a way of presenting things, it just again adds to the unease about the way that this application has come forward. The point about how the gardeners will manage has already been addressed, but, I was looking at the back gardens, which shows there is no exit from the back gardens. At least I don't think there is an exit, it is not shown. So, for those who have one of these very tiny gardens, again tiny gardens are not a feature of Burwash at all. But, how do people actually carry the sort of stuff that you have in the garden, into your garden? You could only do that if you are climbing up and down steps. It's very, very odd to me. So, I am concerned about the flats. The flats have so many steps to actually get into the flats in the first place, then you are walking round and round. But what is extraordinary, is that when you get to the room, the top rooms of the flats, because of the way in which the roof fits, you have a very, very small amount of room space within the building because the roof is taking it all. Take a look at the street scene again, it is a very, very odd design. I am particularly struck by the rear, have a look at the street scene again, very, very ugly window formation. It's really horrible. The windows are arranged in a sort of square, which then fits onto the side, like a kind of big poster, and it goes above the roof level. I haven't seen a single feature in Burwash which actually mirrors that. My feeling about the whole thing is, that when you build houses in a community, those houses should suit the community. There is nothing community minded about this design. It is unwelcoming, it is unattractive, it is labour intensive. How the heck do you get up there to clean the windows? It is an urban development, and it is totally, totally unsuited to the rural community in the AONB. Everything that I have as an objection, has already been addressed – steep bank, I walked up to the top of the bank, I was glad that I had my heavy walking shoes on, it is a heck of a climb – 1/3 I think. And I think Cllr. Elliston's point is absolutely right. How did you get to that point that you hadn't noticed that there was a slope, had you been to the, to visit the site in the early days? Why did it you take so long to realise that it was unviable? Why is it that you didn't have consultation with the community? Why is it that we haven't got the promised affordable houses? I could go on, but I don't want to repeat a lot of the points that have been said. But, it is really a very unsatisfactory design. I wish to goodness that you had consulted with the community. The community would put you right. They would have actually said 'this is not not what we want, this is what we **do** want'. And, therefore, it would have been possible to come to some sort of a compromise. This is not a compromise, this is a totally urban design in the wrong place. (applause)

Cllr. Kentfield. Cllr. Mrs. Prochak.

B – Cllr. Mrs. Prochak. Thank you Chairman. I think that when we went on site, you really have to be on site to get the feel of this application. When went on site, I just thought how does Rother view it? Allocate this site for housing? How do they do it? Okay, it is historical. It's called 'Watercress Field', wouldn't it be a wonderful community orchard, or something like that? And, so, it is a difficult site, we've lost the bonus of any affordable housing. Grove Farm, in Robertsbridge, was refused because it didn't have any affordable housing. And, I don't know if there is a mechanism for challenging the actual viability. Studies that we have all, the officers have agreed to. The design is a huge issue; and I think we can refuse it on design. I don't know what is going to come up next because, it is allocated as a housing site. Now, the thing our Rother Policy, if I can look at the broader picture. Rother Policy has said 'allocate houses, the largest number, to the largest villages'. So, if a village has a post office, bank – it hasn't got a bank, sorry – shops, a school, they get the most houses. But I always objected to that, because Burwash is a Weald village, it is along the ridge and, and the neighbourhood plans stall, because the call for sites has not produced sites. So they are now ham-strung to provide 50 houses with no sites that are suitable. Because it is along the ridge, and it is such a pity that we have this strict policy in terms of our housing numbers. Because there should have been some, some

taking account of the actual nature of the villages. I think that I personally would like to refuse this, on all the issues that have been mentioned so far. And, I can't believe that in this day and age that you could actually build a house where you have to be fit, and able, to buy it. Really, sadly that is the case. And, I know that the developer has said well that is the only way to do it. The other thing I am worried about, is the Environment Agency, in 5.41. And there is a stream at the bottom, isn't there? And that has got to be managed, the water has got to be managed, that stream, it dries up. If you have got building on that land, there is going to be a lot of run off, that's got to be captured, and the run off belayed. So it has got all sorts of problems. Sewage disposal, get that sorted out. Seems to me, to take advice from officers that we can refuse it on design in the main.

Cllr. Kentfield. Thank you. Cllr. Ganley

C – Cllr. Ganly. Thank you Chairman. I believe this application should be refused. The main reason for refusing it, in my opinion, would be on design. This design is more suitable for city and suburban. The detail of the design, as Mr. Banks has explained quite clearly, I agree with him. Why it should refuse, and what those design issues are. But, I would also like us to retain the review mechanism, detailed in paragraph 6.11.2. In fact, the whole of 6.11.2, I would like to see retained in the review mechanism and in particular the footpath, which I believe is of considerable importance.

Cllr. Kentfield. Cllr. Ganley, you can't retain the review mechanism, in a refusal. Would you like to speak on that? (to Sam Batchelor – Principal Planning Officer (joined from Hastings Borough Council January 2018))

Sam Batchelor. It is a little complicated, so, bear with me. If you have any questions, then do ask. We need to be clear, if members are minded to refuse the application, that there is an opportunity for Council to also defend the decision based on the fact that the development was also meant to make other contribution as well. And so, at the moment our recommendation that this needs to be approved, subject to the Section 106, to include the extra review mechanism for affordable housing, for other matters as well related to the footpath, landscaping, open space. And so that, there would also need to be a reason for refusal that the developer hasn't entered into a legal agreement to secure those things that would make the scheme acceptable. That can include the review mechanism. In general, you would need to ensure that that was included in any motion that is put forward.

Cllr. Kentfield. Alright, I didn't know that. The review mechanism for refusal.

Sam Batchelor. My understating, is that, you can include it, in as much as, the scheme would be refused because the developer hasn't entered into a Section 106 to secure such things as a review mechanism, as open space, as footpath and estate management.

Councilors. Unclear chatter. Won't be valid in that sense...

Cllr. Kentfield. Cllr. Barnes.

D – Cllr. Mrs. Barnes. So, in effect, what you're saying, is that, the only way that we can have the safeguard, is to actually go with the application and its recommendations?

(? Could be Cllr. Ganley or one of the officers) No, no, no, not saying that. Refuse it.

Sam Batchelor. Actually, Cllr. Mrs. Barnes, our view is that, actually, yes that is an issue. Because if the decision, if the recommendation is that the application is refused, you would write that in. There is a risk there, that you, as members, need to be aware of, that, if the application then goes to appeal it is a risk that an appealing inspector just agrees with the developer's viability assessment. In spite of the fact that the application is refused, on the basis that it includes affordable housing or reviewed. And then you allow the scheme without any of those improvements. So without the refusal, affordable housing, perhaps maybe regards some of the other elements as well. And then you have lost your opportunity of the local authority to review the scheme to allow ??? perhaps make a contribution towards ???

Cllr. Kentfield. Cllr. Mrs. Barnes.

E – Cllr. Mrs. Barnes. This has come to a tremendously difficult situation then hasn't it? I sense that we are all of a mind to refuse this. And yet, what you are saying is that if we refuse it, we are then going to be subject to problems that are going to come when it comes before an inspector. It is a ludicrous situation. (No, no - comments from committee). What we don't want to do, is to lose sight of the fact, that we want to see this gone, absolutely don't want the scheme. We are in a tremendously difficult situation. What can we... We are now looking at design. The design, we all agree, is it is not a rural attractive design. It is impossible to access; it is difficult to live with. That surely should be reason enough to be able to say we don't want this. And, already I can sense that we are heading towards a 'you can't do that'.

Committee comment – no, no.

Tim Hickling. What we are trying to do, is safeguard the Council's position, if indeed we do, as a Council Committee, refuse it on possible design grounds. If it goes to an inquiry, or a hearing, or written reps. appeal, that the 106 agreement that we have drafted, with effectively the various elements that we feel need to be put in there to make the development acceptable. Which is including the review, the affordable housing issue, is also looked at by the inspector. If you don't put that in as a reason for refusal, that all goes away, that all disappears. And you don't have an opportunity to argue for a review. So there will not be any affordable housing, if indeed the inspector allows it on design grounds. If the appeal includes the reason for the refusal 106, there has to be a discussion. Arguments put forward to an inspector as to whether that review process is reasonable. And we can expect them to take the view whether it should take place, or not. But what, Mr. Batchelor is trying explain there, is that there is a risk that the inspector might think that is not acceptable, and there is no affordable housing, even though the development is acceptable in design terms, anyway. It is a risk; it is all we are saying.

E - Cllr. Mrs. Barnes. There has got to be a balance between the design and the ability to provide affordable housing. Is that what you are saying?

General comments of – no.

Tim Hickling. No. I think, from what I can understand. The principal problem members have of design of the scheme. But, what I am saying, to safeguard the Council's position in terms of the 106, you also have to put in good reasons for refusal about not entering into the 106. Otherwise, we can't argue the review of the affordable housing at any appeal situation.

Cllr. Kentfield. Cllr. Watson.

F – Cllr. Watson. Just a quick question, is the 106 so important? On this particular site, or not? I just wondered because affordable in a sense is 80% of the market value. Is that correct?

Cllr. Kentfield. Cllr. Watson, the 106 does not discount, there are lots of other aspects.

Cllr. Watson. Yes, okay, I understand.

Cllr. Kentfield. Cllr. Curtis.

G - Cllr Curtis: Thank you, chairman. Hopefully I can answer some of these questions. We've all, the Committee, have voiced our concerns over various things and this very contentious application. Interesting in the content etc. I'm very concerned that the developer chose to trivialise the thoughts and livelihoods and live of 500 people in the village which as been there for many thousands or hundreds of years. That aside I think we all share that. I researched this over the weekend, as we all do, and we take all the planning policies to bed with us at night, *[inaudible muttering and laughter]* but I did want to refresh my knowledge on this, and I note from the NPPF that huge emphasis, huge emphasis, in whichever way you go is placed on design. If the design's not right, it's a valid case to refuse, and it doesn't seem to be that there's no mention that erm.. and I'll quote from the NPPF if I may, number 77. Under rural housing, it says 'in rural areas the planning policies and decision should be responsive to local circumstances and support housing developments that reflect local needs'. Now that is the NPPF, that is the document, and I don't think there is an argument, I think it answers the question; the committee is not happy with the recommended policy, and I can't speak to them

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at the moment, the two of them are not available today, so I think that that answers the question. I understand Mr. Hickling's point on the legal side, which is valid case about going to appeal, but we can go round the houses about it, there's obviously there will be houses on this at some point, I guess, it's got outline planning, but I don't think the.. what's been forwarded so far is suitable, and we've got five, you know, how many hundreds of people? And a committee that's demonstrated that they have concerns over this, and I think it would be foolish to ignore those. Thank you.

Cllr. Kentfield. Cllr. Ganley.

H – Cllr. Ganley. I would like move that we refuse, principally on grounds of design, as has been explained already. Also provision of the footpath, because there has been virtually no discussion, or rather the sport field committee has rejected the idea. And I don't think that will be satisfactory. And, I would like to see what is included in the, this the review mechanism costs associated with the 106 and other issues in 6.11.2. For which officers can, I am sure can find the correct wording. That's my view.

Chairman: Cllr Mrs. Kirby-Green wants to address...

I - Cllr. Mrs. Kirby-Green: I had a long speech prepared, which I don't think I'm going to need to read. I just wanted to turn to a couple of things, the first is viability. We all agree that the site is not viable, absolutely, based on the figures that the developer has provided. The issue here is, that the NPPF says that there is a responsibility for developers to ensure that a site is suitable. Clearly, in this case, it has not been done. The developer has had an interest in this site since 2005. He has only realised the constraints of the hill in the last 12 months. Constraints that the Parish Council and the local people have known about for years! The very reasons that the Parish Council opposed this application 12 months ago. Mr. Pickup has referenced all the activity that needs to be taken place on hill site. We all knew that. We all knew that 12 months ago. It seems the developer seems to know less about the site than the Burwash Parish Council. So we've therefore moved from 17 houses with 40% affordable to 30 houses with no affordable. I think that Cllr. Oliver's point is very right that it's the developer that's made mistakes all the way along, and we now as a community, are asked to basically carry that mistake. While the Neighbourhood Plan is not at a stage where it can be used, the local surveys carried out have highlighted the need for affordable and social housing. This development will not deliver what the community needs. I would just like to pick up on paragraph 5.4.1 and 5.5.1, because they are contradictory. The developer has had this site for this long, and yet still hasn't sorted out the drainage. The environment agency says they do not support a package treatment plant. Southern Water is saying 'we do not have sufficient capacity'. Now, I do want to pick up on the playing fields. I have an email here dated the 3rd of December 2018, from the secretary of the Burwash Playing Fields Association. It says "Our position is that, the BPFA management committee has NOT been contacted regarding the proposed footpath across Swan Meadow. No decision can be taken by the committee without consultation with the community. The charity commissioners must be consulted before any decision is made; there are concerns regarding the proposal of the footpath, of its use, and access. So it is very disingenuous to suggest that ongoing conversations are happening. Now, Mr. Pickup mentioned, 'oh, we don't need to provide a path across the playing fields, we can provide a footpath TO the playing fields'. That is in a position you won't be able to see, you'd need a chainsaw to get from the edge of the development boundary across the playing fields. So it isn't right that they don't need to put one in place, because you cannot get across the playing fields without a footpath. Therefore, that questions the whole, and brings into question sustainability. Because you'd have to walk down the hill to Shrub Lane, and then back up the hill to the village. I do just want to talk about the design, because the NPPF states, here, with first of all consultation. 'The design points should be considered throughout the evolution and assessment of the individual proposals. Early discussion between applicants, the local planning authority, and local

community about the design and style of the emerging scheme is important for clarifying expectations and reconciling local interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early proactive and effective engagement with the community shall be looked upon more favourably than those that cannot. At no point, since becoming involved with the site 13 years ago, has the applicant made any attempt to communicate with the residents of Burwash. Now, Burwash: Save Our Fields from Concrete did contact them at the end of November, and after a lot of discussion, backwards and forwards, they did agree to meet with the Burwash: Save Our Fields from Concrete group. And in that meeting, one of the members of the Parish Council asked why there hadn't been any communication, and the developer said "I don't really know! – Hands up, I don't know. We did in Netherfield we had a lot of conversations there. Well we haven't, that is an error. Sorry, no we haven't." So, no-one can explain why no-one has contacted anyone in Burwash. Finally, I just want to say that the design quality, in terms of the design. I hope that you've all read the comment from the High Weald Advisory Committee, that clearly states that it basically, it's taken the design from existing town houses in Strand Meadow, that these were built prior to the designation of the AONB. And the new NPPF states that things should be better and they should be adding quality. And I do just want to mention that the policy, Rother's Core Strategy, policy RA1 says 'the design of any new development is expected to include appropriate high-quality response to local context and landscape'. That is our own policy, and I assume that the committee has decided that these designs cannot be described to be meeting that policy. So I think here, we've got a situation where it will be an eyesore, the development will be an eyesore in what is one of the most attractive villages, and at the same time adding insult to injury, not delivering any houses that the community actually needs. Thank you. (Applause)

Cllr. Kentfield. Cllr. Watson.

J - Cllr. Watson: I would like to second.

- It is already seconded.
- Is it already seconded? Oh, sorry.

Cllr. Kentfield. We have to wait for the reasons for refusal.

- Design. Proposer?
- I have given the reasons.

Cllr. Kentfield. More specific.

K – Cllr. Ganly. Design and the detailed design. Can the detail of design as objection... as laid out by Mr. Banks in his presentation? Which I'm sure the officers will have recorded. If you haven't, someone in the audience has.

Mr. Hickling: Can I just, probably for the benefit of the public, when a proposal is put forward contrary to officer's recommendation, we need detailed reasons, given by members before they vote. So that we're all very clear what we're voting on, and so officers know exactly what they may well have to defend in an appeal situation, so that's why I'm asking Councillor Ganley to explain exactly what he means by design, and what's wrong with the scheme design as a reason for refusal. So all the members, when they vote they know exactly what they're voting on.

Sam Batchelor: Just to add. Yes, we do make notes of the discussion, and however, when the motion is put forward, they're for members put forward, and we can take that, to a certain degree. But they do need to follow a certain framework, and they may remember from their training as recently as last year, that if you're general in terms of like design, you need to flesh it out now so that it's clear to everybody, and clear to us. *[inaudible]* so if you tailor it ever so, that we know specifically *[inaudible]*. So all I can advise otherwise is that at the training. If there is a problem with the scheme then... *[inaudible]* ...general as design, but that needs to be elaborated on... *[inaudible]*... and then it will relate back to a policy. But you can't at this stage. just say something like "design as comments made during the discussion", and then...

Cllr Ganley: I do, I do fully understand what you're saying.

Cllr. Kentfield. I would like Cllr. Mrs. Barnes to add to the revisions given.

L - Cllr Mrs. Barnes: One of the things that worries me particularly, is the sustainability aspect, as we've heard from Councilor Kirby-Green. The footpath is by no means a cert, there is, I think, a natural exclusion of people being able to access these houses, visitors or disabled or whatever, I think sustainability should include the fact that everybody who wants to go in and out of these houses should be able to, and I think the design totally precludes that, and therefore from that point of view that they are unsustainable. We've all made comments about the design, the design is not suitable for a rural area, it is an urban one. But if you want specifics, the design is clunky, it's unattractive, but more than all that, it is contrary to a community, it is, we're talking about an urban (she means rural) area. The community aspect of it is important. It's an unfriendly, almost forbidding appearance, and it's not suitable for this particular rural setting.

Cllr. Kentfield. Cllr. Mrs. Prochak.

M - Cllr. Mrs. Prochak: I think also have a problem with an officer saying give details. Because it seems to me we've got the report in front of us, the officers' report in front of us, saying which policies this application should comply with. Now, the list of policies, we've picked out in fact affordable housing, which is LHN2, we object that there's no affordable housing. EN3 design quality, and we've talked about accessibility as well, that's PHG4 'accessible and adaptable homes', it doesn't meet that policy. And design quality EN3 we talked about, there's also the problem of sustainable drainage DEN5, and I think if we actually put as a reason of no affordable housing, doesn't that tie us, quite neatly into the fact that we could subsequently, not if, we could have a clause in there.

Cllr. Kentfield (I think) Yes.

Sam Batchelor: [*inaudible*]. specific comments about the footpath in there and to come back afterwards as well. General discussion about reasons for refusal.

Sarah Shepherd: Yes, the footpath link is an issue, that is in the policy. But we shouldn't be hung up about it going across the recreation ground. Previously you've considered, and I've suggested in my update that it doesn't necessarily have to go through the recreation ground, it can go out all the way up to Ham Lane, where there is a public right of way. Now, I know there's been discussion in the past with County Rights of Way people about that, but my recommendation was to you that we have that as an (*age law?*) as we have previously. So I don't think that is the same thing to raise as an issue for refusal. Secondly, in respect to drainage, yes there is a disagreement at the moment between Southern Water and the Environment Agency as to which form of drainage they would prefer, but that drainage can be resolved. That is not an unresolvable situation, and therefore again I would not recommend that you go down the route of using it for refusal.

Sam Batchelor: Sorry, I might just like to add as well, and I don't want to teach the committee how to suck eggs, but, it's not acceptable to... I'll reiterate the position we're in, you know, having to deal with the wealth of objections of the scheme as well. But it's not acceptable to put to the officers that the scheme should be refused on these headlines. So at the moment, what I've got here is the scheme unacceptable in terms of the design, outline, in relation to detailed comments, the lack provision of a footpath within the scheme (okay that's more detailed). And also, that the section 106 has not been entered in to in relation to the elements on the specific paragraph in the report. So perhaps, maybe, the last two points you mentioned, fine, they are relatively specific. But when it comes to the design, you have to vote on a motion where officers can then only ever so slightly tailor that if necessary to meet your expectations, and all the planning up to this point is has been, 'I'm just saying the scheme isn't acceptable in terms of the design', and encroaching on that, isn't acceptable. So at this point, we need to set it out, I appreciate the report mentions policies, but you as members need to set it out as to

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what is unacceptable about that scheme, in terms of its design. What is formed an unacceptable design and how that link to the policies, and then we might be able to work with. At the moment, just to say the scheme is unacceptable in terms of the design is unacceptable.

Cllr. Kentfield. Cllr. Mrs. Kirby Green

N - Cllr. Mrs. Kirby Green: Yeah. Maybe I can help the committee. In the in the NPPF, and actually I think you referred to this Councilor Curtis, it says that the ‘development should be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping which is sympathetic to local character and history’. So surely, this design does not meet that, you have the exact bit there. And the other thing is, Rother’s policy RA1, which quite clearly states, ‘the design of any new development being expected to give appropriate high-quality response to local context and landscape’. I don’t believe.. well I think the reason for refusal is that it does not fit our policy of RA1 and it doesn’t meet the requirements of the NPPF.

Sam Batchelor: Yes, and that’s coming through loud and clear, but what I’m trying to stress... [interruption due to Robert Banks trying to hand a document containing a list of refusal points to a member of the committee/council]

Okay, I appreciate [inaudible] these matters [inaudible] to consider refusal can create frustrations, but... yes, the NPPF and paragraphs within that and our own planning policies, set up a framework for people to make decisions. So yes, they will say things like development should be... [inaudible] we need to make this within the framework... as clear as, it will say the development does need to be compatible with real villages and have improved design... but your reasonings needs to say ‘what about this scheme doesn’t meet those policies... what’s about this scheme doesn’t meet’ [inaudible] That’s what I’m trying to say. You have to be specific and say elements of this scheme which are A, B, C, does not comply with their policies. What is it there. You can’t just say design.

Mr. Hickling: Can I just go on to say, the point you mention unsympathetic to the local character. Fine, how does this development not be [inaudible] and the reason why I’m saying this is really important because if this goes to appeal there’s two elements that we as officers have to do. First and foremost is to prevent costs awarded against the council for not defending reasons for refusal without any substantial reasons. And secondly, obviously, hopefully winning the appeal. So effectively, the more details you can give us, essentially, and vote on in terms of the reasons for refusal, allows your officers to defend the council’s position. I don’t want to over egg that, but that’s really, really important from the council’s perspective.

Cllr. Kentfield. Cllr. Ganley.

O - Cllr Ganly: Mr. Batchelor is absolutely correct, obviously you can’t just say “design” you have to, we have to speak specifically what aspect of the design and give reasons, or what aspects should I say. That is what we agree on, there’s no point getting on a high horse and getting upset about it, because that’s how it is, because he’s quite correct. So I’m saying that the design is uncharacteristic for the historical settlement of Burwash, number one. And if necessary I will call upon Mr. Banks to present to the officers.

Cllr. Kentfield. No, sir.

Cllr. Kentfield. Cllr. Watson

P - Cllr. Watson: Disability, Chairman, people cannot get into those houses who are disabled, not safely. I think that’s a strong enough point, and we were actually a point about the people, the people that will possibly live out where these houses are going to be built, and would like flats or to move into smaller properties, downsizing, you name it. These houses are not suitable for disabled type people in a disabled situation. I think that part of the policy is really important. Thank you Chairman.

Cllr. Kentfield. Cllr. Elliston

Q - Cllr. Elliston: In DHG4 is accessible and adaptable homes. They’re not very accessible.

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Cllr. Kentfield. Cllr. Mrs. Prochak

R - Cllr. Mrs. Prochak: I think it's the urban design that hits us in the face. So I hope the officers accept that is judgement of ours that it's urban. The height is too high. We already mentioned about accessibility, and in the end design is only judgement isn't it? But if we're going to give specifics, what more do we need to say? Apart from the height, accessibility, urban design, doesn't reflect Burwash, on the edge of the AONB. What else do we need to say? And also, it doesn't provide a mix as NPPF says we should provide, because there is no affordable housing I'd like that to go in. *[general agreement]*.

[inaudible chatter for quite a while]

Cllr Kentfield. I don't think any one actually heard that, we will come back to it in a minute. General chatter.

Mr. Hickling: Okay, at the minute what I've got is - that it's unacceptable to the historic town or settlements, issues about access and disability to the properties, too high and urban. You've also mentioned, I've taken some notes, issues of the sloping roofs, access to gardens, access to flats, unsuitable which I suppose links into the disability issues, flat roof dormers, all those elements, *[inaudible chatter]* ...access for children and prams.

Comments from committee –

Too many steps.

But there is no light in the dining room, no natural light.

Absence of light.

No garages.

Cllr. Kentfield. Cllr. Mrs. Kirby-Green.

S - Cllr. Mrs. Kirby-Green: Sorry, there's two things, one is the footpath, I do just want to go back on that, and I could be incorrect, but I believe there is a private couple that own the top of Ham Lane, so when they say 'oh, if it doesn't come through the footpath to the recreation ground it can go to Ham Lane, I think that's an issue as well because you need permission from the Clokes, I believe, who own that part of the lane, so—I'm looking around—I believe that is the case, so that it isn't just a straightforward 'oh, in that case it'll go to Ham Lane', you've still got the issue of a private individual having to be agreeable, so I do feel that we be able to include that. And lastly, High Weald Advisory Committee have said here — I mean don't know if we can quote this — the architecture and design is uninspiring 1970's style, out of scale and character with an historic settlement, and would detract from the setting of Burwash. They also refer to the layout. The proposed layout also shows parking spaces dominating the street, with spaces adjacent to the stream, this gives the development a very hard urban character at variance with its edge of countryside location. I think they are specific reasons to take into account.

Mr. Hickling: I think going back to the footpath issue, I think that's covered by the reasons for refusal potentially on the 106? So I think that's covered.

Cllr. Kentfield. Cllr. Watson.

T - Cllr. Watson. Yes, I'm done.

Cllr. Kentfield. Cllr. Elliston

U - Cllr. Elliston: The design submitted by the applicant, are three storeys, which is not usual out in the country, normally two storeys or one.

Cllr. Kentfield. It's slightly difficult to argue that as the style of the design there are three storeys. But I appreciate what you're saying. Any other discussion? Any other discussion? The recommendation before you is for a refusal. Could someone read the details out for me?

Sam Batchelor: So I've got two main reasons for refusal, one is the design by reason of the uncharacteristic nature of the program? and its relationship to the historic location of Burwash, with issues relating to access to the development, its urban form, the height of the scheme, the design of the sloping roofs, access to gardens and flats, the lack of light, the design of dormers,

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and the conflict of the urban character in a countryside location. Plus, the second reason, the developer has not entered into a Section 106 agreement to secure that required at reference to paragraph 6. *[inaudible]*. (*What about the proposal?*) Which includes all of that. To elaborate and include the review mechanism, provision of landscape areas and landscaping, provision of recreation allotment land, provision of a footpath, the implementation of a hard and proper intervention, proper and off site parking. *[inaudible]*

Cllr. Ganley. Moved the motion to refuse.

Cllr. Mrs. Earl-Williams. Seconded.

Cllr. Kentfield. All of those in favour for the recommendation of a refusal with those conditions. Please a show very clearly, (counting) one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, that is we're in agreement.

All those against? None.

[clapping and inaudible chatter]

This part of the meeting ends.

1 hour 40 minutes.