

Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 04 April 2018** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

22/03/2018

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the minutes of the meeting held on 14 March 2018 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

6 LW/17/0873 - Land Adjoining Oakfield House, Station Road, Plumpton Green, East Sussex (page 5)

7 LW/17/0940 - The Barn, East Quay, Newhaven, East Sussex (page 24)

8 LW/17/1075 - 15B Heathfield Road, Seaford, East Sussex, BN25 1TH (page 37)

9 LW/18/0048 - Land Adjacent To The Rough And Vernons Road, Newick, East Sussex (page 45)

10 LW/18/0080 - Land Adjacent To The Rough And Vernons Road, Newick, East Sussex (page 55)

Non-Planning Application Related Items

11 Outcome of Appeal Decisions from 16 February to 13 March 2018 (page 60)

To receive the report of the Director of Service Delivery (attached herewith).

12 Written Questions from Councillors

To deal with written questions from members pursuant to Council Procedure rule 12.3 (page D8 of the Constitution).

13 Date of Next Meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 25 April 2018 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact the Planning team at Southover House, Southover Road, Lewes, East Sussex, BN7 1AB (Tel: 01273 471600) or email planning@lewes-eastbourne.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, L Boorman, S Catlin, P Gardiner, V lent, T Jones, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

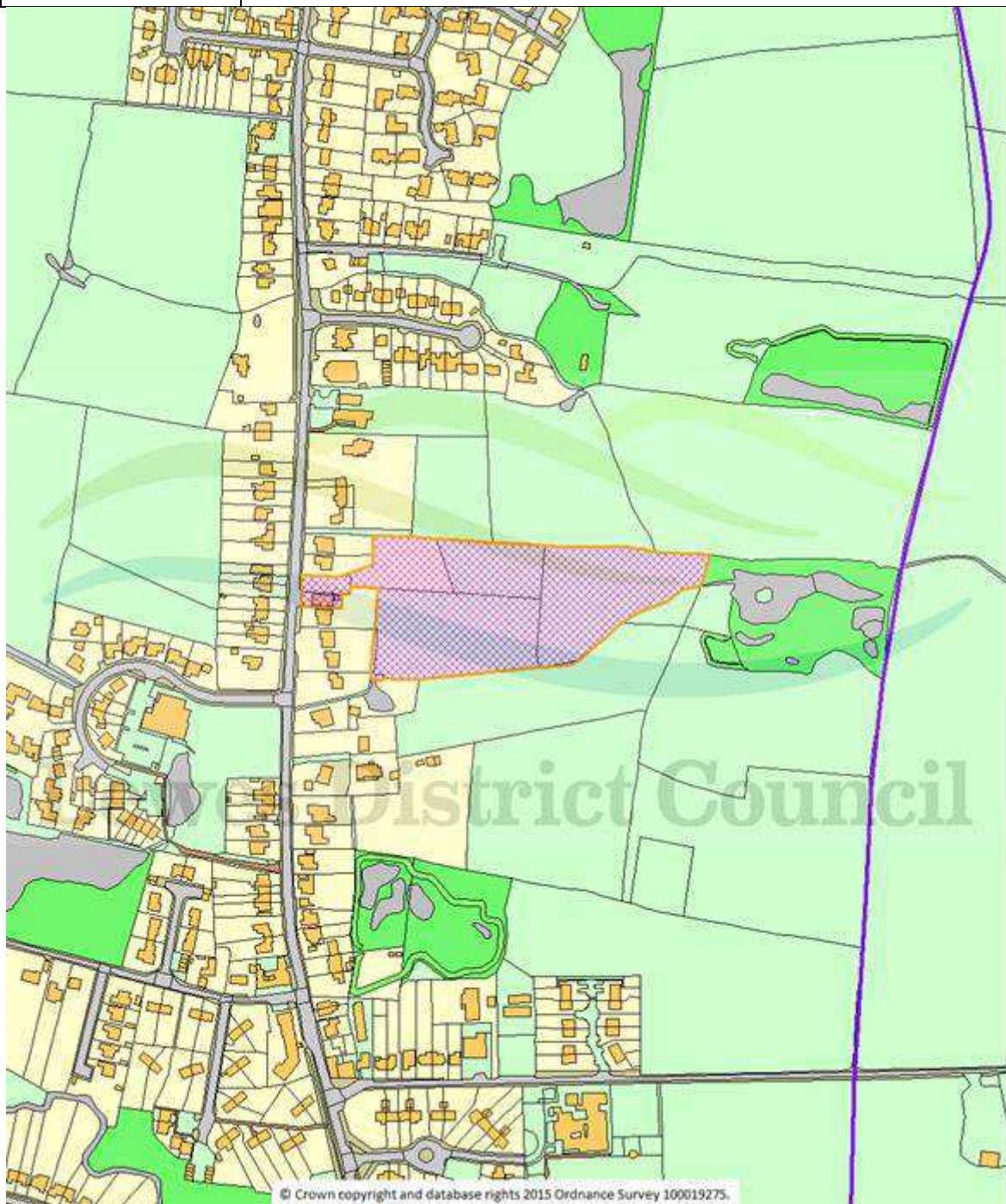
The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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APPLICATION NUMBER:	LW/17/0873	ITEM NUMBER:	6
APPLICANTS NAME(S):	Cala Homes (South Home Counties) Ltd	PARISH / WARD:	Plumpton / Plumpton Street E.Chiltington St John W
PROPOSAL:	Planning Application for hybrid planning application comprising a detailed application for the erection of 19 dwellings, access, landscaping, open space and associated works and an outline application for 1 self-build dwelling with all matters reserved except access and scale (20 dwellings total)		
SITE ADDRESS:	Land Adjoining Oakfield House Station Road Plumpton Green East Sussex		
GRID REF:	TQ 44 12		



SITE DESCRIPTION / PROPOSAL

1.1 The proposed development site is located on the eastern side of Station Road. It is roughly rectangular in shape and covers an area of approximately 1.63 hectares and is made up of a commercial garage, residential garden and grazing land. The main part of the site is situated outside of the defined settlement boundary, with only the new access being located within the boundary.

1.2 To the west the site abuts the rear gardens of established residential properties as well as an existing car repair garage. To all other boundaries the site abuts agricultural/grazing land. At the extreme eastern end the site abuts a pond which is fed by a watercourse which runs along the southern boundary of the site. The site boundaries consist of stock fencing or hedgerows interspersed with mature trees. The site is flat with a slight slope from west to east.

1.3 Planning permission is being sought to construct 19 dwellings on the site together with outline permission for a single dwelling at the eastern end of the site. The development would provide 40% affordable housing (6 x 2 and 2 x 3 bed) whilst the remainder of the houses would provide 2 x 2, 2 x 3, 7 x 4 and 1 x 5 bed dwellings.

1. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP1 – Affordable Housing

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – ST11 – Landscaping of Development

Plumpton Neighbourhood Plan: – 6.9 – Land to rear of Oakfield

2. PLANNING HISTORY

None

3. REPRESENTATIONS FROM STANDARD CONSULTEES

3.1 Planning Policy Comments – Summary

3.2 The proposal is located outside of the existing planning boundary and involves the development of predominantly greenfield land. This being the case, it is contrary to Policy CT1 of the Lewes District Local Plan (2003), which is a 'saved policy' and part of the development plan.

3.3 The Council is able to demonstrate a five year supply of deliverable housing and as such there is no requirement to release additional housing sites outside of the adopted planning boundaries.

3.4 The Plumpton Neighbourhood Plan is at examination stage and has been consulted upon under Regulations 14 and 16. Although the emerging Plumpton Neighbourhood Plan cannot be given the full weight of an adopted document, at this point it should be given some weight in the decision making stage of this planning application. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that when determining applications, regard must be had to post-examination draft Neighbourhood Plan, so far as it is material to the application. In this case, the examination has not completed, however the Neighbourhood Plan is material to the application and this should be considered by officers at decision-making stage. The proposal generally conforms with the policies of the emerging Plumpton Neighbourhood Plan and is generally considered to satisfy the requirements of Policy 6.4 of that Plan. Further to this, following consultation under Regulation 16, there was no opposition to the site being included within the Plumpton Neighbourhood Plan, nor was it suggested the site should not be developed for housing.

3.5 In addition, there is considered to be a neutral impact resulting from the loss of the garage use in order to facilitate the development.

3.6 Overall, it is considered that the proposal is contrary to adopted policy (Policy CT1 of the LDLP 2003), notwithstanding this, consideration should be given to the proposal in terms of its general conformity with the emerging Plumpton Neighbourhood Plan which has allocated the site under Policy 6.4. The proposal is therefore considered to comply with Spatial Policy 2 (JCS 2016), insofar as it complies with part (2) of this policy through the site allocation in the emerging Plumpton Neighbourhood Plan.

(Full comments can be found on the web site).

3.7 Plumpton Parish Council – Decision: It was RESOLVED and AGREED unanimously to support this application.

3.8 Notes: This proposal is included in the Plumpton Parish Neighbourhood Plan, which is currently with LDC, prior to going before the independent examiner, and so not yet fully made. It has therefore been assessed and approved by the Parish Council as suitable, available and able to deliver 20 houses towards the total required of the parish in the LDC Core Strategy. It was noted that objections have been lodged on the LDC planning portal, relating primarily to drainage, loss of privacy to neighbouring houses, unsafe pedestrian access onto Station Road, out of keeping with the rural character and historic development of village, absence of affordable housing, and potential flood risk. Members of the public at the meeting raised these objections, which the Planning Committee noted. However, the Planning Committee did not agree they constituted reasons not to support the application.

3.9 Postscript: The Committee supported residents' concerns about loss of privacy, and understand that, following the meeting, Cala Homes has been in further discussion with affected residents and has come to a satisfactory agreement on mitigation measures.

3.10 British Telecom – No comment.

3.11 Environmental Health – Recommends standard conditions.

3.12 Environment Agency – No objection

3.13 East Sussex Fire And Rescue Services – In relation to the above planning application, can it please be considered that if this application is approved the applicant will need to ensure that there is sufficient water for Fire Fighting. This is usually achieved with the provision of Fire Hydrant(s) attached to a suitable sized water main. Early consultation with the Fire Service is strongly recommended.

3.14 Housing Needs And Strategy Division – No objection

3.15 The Public Access - Public Application Form states the development will consist of 20 dwellings. 8 of those dwellings are scheduled to be affordable.

3.16 Core Policy 1 of the Lewes District Local Plan Part 1 - Joint Core Strategy (2016) states that 'A district wide target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units. For developments in designated rural areas affordable housing, or financial contributions towards, will be sought on developments of 6 or more'.

3.17 40 per cent of 20 dwellings equates to 8 affordable dwellings ($0.4 \times 20 = 8$).

3.18 The Council is happy with the number of affordable dwellings and the proposed mix.

3.19 Tree & Landscape Officer Comments – No objection with standard conditions.

3.20 Natural England – No objection

3.21 Sussex Police – No objection to the layout.

3.22 Southern Water Plc – The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

3.22 Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.

3.23 You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

3.24 FURTHER COMMENTS DATED 20.2.18

3.25 Southern Water have carried out a capacity check and have confirmed that there is currently inadequate capacity within the foul sewerage network to accommodate foul flow for the development, which would increase flows to the public sewerage system and existing properties and land may be subject to a

greater risk of flooding as a result. Therefore additional off-site sewers or improvements to existing sewers will be required to provide that capacity.

3.26 This site would however fall within the new charging regime which comes into force on the 1 April 2018 and which would provide the necessary infrastructure to service the proposed development site within the existing sewerage system adjacent to the site. These cost will be recovered from the developer through the new Infrastructure Charge.

3.27 ESCC SUDS – No objection subject to conditions.

3.28 ESCC Archaeologist – No objection subject to condition -

3.29 ESCC Highways – No objection subject to conditions.

3.30 This HT401 is issued in response to the original application, including Transport Statement; additional information including Revised Road Safety Audit and amended plan PO1H received from the agent on 9th March 2018.

3.31 These revised documents follow extensive discussions between all parties. I am satisfied that the impact of this development [20 dwellings total] can be accommodated on the highway network provided the mitigation measures are carried out. I therefore recommend that the application be approved subject to highway conditions and a section 106/278 agreement to secure the highway works.

(Full comments can be found on the web site).

3.32 Wealden District Council – objection.

3.33 The monitoring survey at Ashdown Forest SAC2 has shown that the critical level for annual mean NH₃ (ammonia) concentrations is being exceeded close to certain roads within the Ashdown Forest SAC, but these are also achieved albeit to a lesser extent at other locations away from roads. The spatial patterns in the measured concentrations suggest that emissions from road traffic are driving these exceedances.

3.34 The modelling undertaken on behalf of WDC regarding Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC concluded that the annual mean critical levels for NH₃ are being exceeded close to certain roads.

3.35 That HRA addendum is the subject of outstanding and unresolved objections. Indeed the consultation is still running until 25 January 2018. It will be some time before those objections are resolved at EiP.

3.36 In the subject planning application, it would wholly unsound to rely upon that HRA unless/until your Council has received comments from the PINS in regard to the soundness.

3.37 At this stage, it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the Part 2 Local Plan, let alone having regard to the subject planning application

3.38 It is not possible to grant planning permission and WDC formally objects to this planning application.

(Full comments can be found on the web site).

4. REPRESENTATIONS FROM LOCAL RESIDENTS

4.1 17 objections received - Poor infrastructure to support the development, inadequate drainage, inadequate parking, loss of trees and natural habitat, not supported by village council, development not acceptable in principle, not the type of development that the village needs, loss of green field and prime agricultural land, will result in flooding to neighbouring properties, surrounding roads cannot cope, would ruin the linear form of the village, overlooking, loss of a local business, detrimental impact on wildlife, increased flood risk, impact on privacy, impact on wildlife corridor, outside planning boundary, car parking along Station Road, increased noise and pollution, pollution from existing site, poor access.

4.2 One letter of support - scheme is well considered and sustainable, ideal location.

4.3 No further responses to the amended plans consultation.

5. PLANNING CONSIDERATIONS

Policy

5.1 Key policies within the adopted Lewes Local Plan 2003 include Policies ST3, ST11, and CT1 which defines settlement boundaries and where development should be located. The site is located outside of the defined settlement boundary and therefore is contrary to adopted policy CT1. However, consideration should be given to the proposal in terms of its general conformity with the emerging Plumpton Neighbourhood Plan which has allocated the site under Policy 6.4 for residential development. The proposal is therefore considered to comply with Spatial Policy 2 (JCS 2016), insofar as it complies with part (2) of this policy through the site allocation in the emerging Plumpton Neighbourhood Plan.

5.2 The Plumpton Neighbourhood Plan was successful at Referendum on 8th March 2018 and won a majority vote in favour of its adoption. It is recommended that the Neighbourhood Plan is 'made' at the Council Meeting on 2nd May, but will first be discussed at Cabinet on 19th March. As part of the Neighbourhood Area is within the South Downs National Park, the NP is due to be 'made' by that Authority on 12th April at its Planning Committee meeting. The Plumpton NP is considered at this stage to have some weight as a material consideration when a relevant planning decision is to be made as it was successful at Examination in January 2018. (As a point to note, the Local Authority has a duty to 'make' Neighbourhood Plans within eight weeks of a successful Referendum, as long as they do not contravene EU obligations).

5.3 That plan included Policy 6.4: Land rear of Oakfield, Plumpton Green which set out the following:

The land, as shown on Policy Map D amounting to 1.5ha, is allocated for residential development for up to 20 new homes. In addition to conforming to the policies contained in the PPNP, the adopted development plan and all other applicable statutory requirements, development in this location will:

1. Be designed to include landscape buffers between it and the site allocated for residential development in Policy 6.3, to emphasise the separation of the sites;
2. Be designed to avoid proximity of houses to existing properties along Station Road. In view of the multiple records of protected and notable species in the area, an Ecological Impact Assessment should be carried out and, where indicated, steps taken to avoid and compensate for impacts on biodiversity and strengthen connectivity between existing habitats.

5.4 As this site is adjacent to site 6.3, a detailed design brief should be prepared to cover the relationship between the sites, and their design, landscaping and layout. To help protect the valued historic character of All Saints Church, Rectory and gardens and Strollings, this site will provide shared vehicular access from Station Road through to site 6.3. Communal green spaces within the site should be managed by residents through a shared ownership scheme. The southern edge of the site should be reinforced with native tree planting to minimise visibility from the SDNP.

5.5 In view of the current status of the plan and its progression towards adoption, it is considered that significant weight can now be given to the PPNP, sufficient to override restrictive Policy CT1 within the LDLP.

Impact on Ashdown Forest / Lewes Downs/ Pevensey Levels SAC

5.6 Wealden District Council has raised an objection to the application. They have stated that 'at this stage, it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the Part 2 Local Plan, let alone having regard to the subject planning application. It is not possible to grant planning permission and WDC formally objects to this planning application'.

5.7 Lewes District Council, as the competent authority, considers that this development proposal will not give rise to significant adverse effects on the Ashdown Forest SAC, Lewes Downs SAC or Pevensey Levels SAC either alone or in combination with other plans and projects. The Council's published Habitat Regulations Assessment (HRA), which provides a robust in combination assessment of air quality impacts of the Local Plan on the Ashdown Forest SAC and Lewes Downs SAC formally concludes no likely significant effects on these habitats - a conclusion that has been reviewed and endorsed by the statutory consultee Natural England.

5.8 As such this proposal is considered within the scope of the spatial strategy of the adopted Local Plan Part 1 (which defines the settlement distribution of development and an allowance for windfall) and can be screened out from requiring a site-specific Appropriate Assessment and rely on the HRA undertaken by the Council.

5.9 With regard to the Pevensey Levels SAC the Council is content that Natural England does not currently see atmospheric pollutants as a risk to the integrity of the site and therefore the formal screening of the Pevensey Levels within the HRA process is upheld.

Impact on Ecology of the site

5.10 In 2014 a phase 1 Habitat survey was undertaken which included targeted surveys for bats, great crested newts, dormouse, badger and reptiles. The survey found that there was a good population of slow worms and a low population of grass snake and common lizard are using the site. The majority of reptile habitat is being retained within the development proposals. However, in order to prevent the accidental killing or injury of animals during construction, mitigation measures should be put in place. It was concluded that the proposed development would not have a negative impact on reptiles at a local level.

5.11 Badgers from an adjacent sett are using the site on an occasional basis for foraging. However, there are extensive foraging opportunities within the immediate area, so the loss of the site to development will not have a negative impact on the local badger population. The sett is located at least 20m from the development area, and as such it is

considered that constriction works will not constitute 'disturbance' of a sett as defined by Natural England.

5.12 Levels of bat activity varied across the survey site; the highest levels of activity recorded were bats foraging over the large pond to the east of the development site. There were also high activity levels focused around the northern boundary hedgerow and the two mature oak trees in the north-west of the site. The centre of the site and the southern boundary had very low bat activity. It is concluded that the proposed development will not have a negative impact on bats at a local level, and recommendations (detailed in Section 7) will enhance the site for bats.

5.13 Birds are using the hedgerows on and around the site for nesting.

5.14 Further surveys were carried out in 2017 which showed that the ecological baseline for the habitats had remained the same. A full report can be viewed online but in summary it is clear from the updated surveys in 2017 that the ecological baseline of habitats and protected species remains largely unchanged since the 2014 assessment and is therefore concluded that the assessment and recommendations made in 2014 remain valid and should be implemented in full with no further surveys or additional mitigation or compensation measures required.

5.15 It is therefore not considered that the proposed development would have a wider adverse impact on the ecological value of the site. Mitigation measures and new planting will help to maintain the sites ecology and opportunities for wildlife.

Design and layout

5.16 This 1.63 hectare site will accommodate 20 dwellings. This will give a density of approximately twelve units per hectare. The proposed number of units complies with the PPNP and the density of development fits in with the spaciousness of the surrounding area and is of a level that would be expected on the edge of a rural settlement, forming a transition to the open countryside beyond.

5.17 The development would be accessed via a single road which takes its access off Station Road where the existing garage is located. Pedestrian access will be provided via a footpath along the southern side of the road. The road then runs due east into the site. The majority of the dwellings are located to the south of the access road, and consist of a mix of detached, semi-detached, and two small terraces of three dwellings at the western end of the site.

5.18 Parking will be provided in the form of garages and off street parking within driveways. A small parking court will be provided for the two terraces of dwellings, with additional parking for visitors on street. The site will accommodate 46 spaces in accordance with the ESCC adopted standards.

5.19 A large parcel of land to the rear (east) of Oakfield and to the north of the access road will be laid out as public open space for the residents with the significant oak trees to the east of the area retained. All the dwellings have at least 10m long gardens, many in excess of this length.

5.20 The site will be landscaped with a native hedgerow and landscape buffer planted to the west and southern boundaries, with enhancements provided to the northern boundary. Significant new and appropriate trees will be planted across the site, along the new road as well as along the boundaries, which will serve to enhance both the

appearance of the site and its ecological value. A detailed landscaping scheme has been submitted with the application.

5.21 The dwellings themselves will be traditional 2 storey dwellings with pitch roofs. They will be constructed with brick facades, with tiles hanging and clay tiled roofs, and incorporate a mix a gable, eaves gables, window surround detailing, simple canopy porches. Windows and doors will be timber. An indicative materials schedule has been submitted but it is considered that these should be improved and therefore it is proposed to require samples of materials to be submitted before development commences on the dwellings themselves to ensure that the development fits in with the surroundings.

5.22 Overall it is considered that the design and layout are considered acceptable for this edge of settlement location.

Amenity

5.23 The scheme itself is well laid out, with good separation between the dwellings and with thoughtful orientation, such that the scheme does not result in any issues for the future occupiers of the dwellings.

5.24 The most significant impact of the development will be the change of outlook for the dwellings that surround the site, especially from those properties which face onto Station Road and whose rear gardens face east and overlook the site. These dwellings (Willows, Dell House, Braemar and The Cherries) have rear gardens ranging between 18 and 27m to the rear boundary. Beyond this a landscaped buffer will be planted with native hedges and trees and ranging from 7m in width in the north to 10m in the south (increased from 5.5m on the original scheme). The proposed layout of the site has been altered so that the dwellings closest to these rear gardens have been re-orientated and now face north south as opposed to east west, which would have allowed the rear elevations to face onto the rear gardens. With the re-orientation of the dwellings the existing properties now only see the gable ends of the two terraces. This gives a separation distance of 33 to 37m to the gable ends of the new dwellings. The amended layout allows continued views west across the site between the two terraces as well as creating a more spacious development. An enhanced landscaped western boundary will fragment views of the new dwellings and help to maintain privacy and the countryside character of the area.

5.25 The new access road is located close to the northern boundary of The Cherries, and will be aligned over the location of the existing car repair garage, with the access onto Station Road adjacent to its northern boundary. The road is aligned so that vehicle head lights should not shine directly into the rear windows of the dwellings. Whilst the access is located adjacent to the northern flank of the dwelling and the northern boundary of the garden, it is not considered that vehicle movements associated with the new development would be so detrimental to amenity (from noise or general disturbance) that permission should be refused.

Access

5.26 ESCC Highways have been actively involved in ensuring that the proposed application is acceptable. The original application, which included a Transport Statement together with additional information and a Revised Road Safety Audit, resulted in an amended plan PO1H which was received on 9th March 2018.

5.27 The revised plans were the result of extensive discussions between all parties. The Highway Authority are satisfied that the impact of this development [20 dwellings total] can be accommodated on the highway network provided the mitigation measures are

carried out and therefore recommend that the application be approved subject to highway conditions and a section 106/278 agreement to secure the necessary highway works.

5.28 A stage 1 Road Safety Audit has been satisfactorily carried out/signed off by the Auditor. There are no significant highway safety issues as a result of the additional traffic on the highway network. However the Highway Authority have requested that the following improvements are secured via a Section 106 agreement (including provisions for a S278 Highway agreement to cover the physical works detailed below) would be required to include provision of:-

1. New short sections of footway within the bellmouth of the access and extending around into Station Road and extending further to the south as illustratively shown on drawing No. PO1H.

2. Two uncontrolled crossing points in the form of dropped kerbs and/or tactile paving on Station Road side of the access point

3. A permissive path through the site up to the northern boundary of the site by plot 20 to ensure future access through to the adjacent site to the north should this development not be formerly adopted through the section 38 agreement procedure.

- 4 In lieu of traffic lights, which Plumpton does not have, a Traffic Regulation Order and appropriate signing with repeaters will be required and therefore a £6000 contribution is sought for the administrative costs of the Traffic Regulation Order

Drainage

5.29 Drainage has been a matter which has been raised by local residents. Both ESCC SuDS and Southern Water have been consulted on this matter.

5.30 The SuDS team have stated that they note that this is a hybrid application with the majority of the development being proposed as a detailed application (19 properties) and a single house submitted as an outline application. They have some concerns about the surface water flood risk to the single property submitted as an outline application at the eastern part of the site but consider that this can be addressed as part of any reserved matters application, and therefore recommend a number of conditions.

5.31 Southern Water have carried out a capacity check and have confirmed that there is currently inadequate capacity within the foul sewerage network to accommodate foul flow for the development, which would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Therefore additional off-site sewers or improvements to existing sewers will be required to provide that capacity.

5.32 They have stated that this site would however fall within the new charging regime which comes into force on the 1 April 2018 and which would provide the necessary infrastructure to service the proposed development site within the existing sewerage system adjacent to the site. These costs will be recovered from the developer through the new Infrastructure Charge.

5.33 As such it is considered that the development can provide satisfactory drainage and is therefore subject to a number of conditions to ensure that the proposal will not have a detrimental effect on the existing drainage infrastructure, surrounding properties or adjacent land.

S016 agreement

5.34 A legal agreement will be necessary to secure the following:

1. Eight affordable dwellings - 75% will be affordable rented and 25% intermediate.
2. New short sections of footway within the bellmouth of the access and extending around into Station Road and extending further to the south as illustratively shown on drawing No. PO1H.
3. Two uncontrolled crossing points in the form of dropped kerbs and/or tactile paving on Station Road side of the access point
4. A permissive path through the site up to the northern boundary of the site by plot 20 to ensure future access through to the adjacent site to the north should this development not be formerly adopted through the section 38 agreement procedure.
5. In lieu of traffic lights, which Plumpton does not have, a Traffic Regulation Order and appropriate signing with repeaters will be required and therefore a £6000 contribution is sought for the administrative costs of the Traffic Regulation Order.
6. Recycling contribution of £380

Conclusion

5.35 Overall the scheme is considered to be well designed and laid out. Amendments have improved the access and the relationship of the dwelling to the west of the site with the existing dwellings along Station Road. The landscaped buffer has been increased in width along the western and southern boundary which helps to fragment views from existing dwellings and from the surrounding countryside.

5.36 The proposal is considered to comply with the Plumpton Neighbourhood Plan which is now progressing to adoption following its acceptance at referendum in March. It is considered that with conditions the impact of the development can be minimised, leading to an acceptable development on the edge of the settlement.

6. RECOMMENDATION

That planning permission is granted subject to conditions and a S106 agreement.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details and samples of all external materials including all facing, roofing and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

3. The hard and soft landscape works hereby approved shall be carried out as approved before first occupation. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, 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 - In order to secure an acceptable form of development and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

4. In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development, except for the landscaped buffer to the south and west of the site which shall be retained for the lifetime of the development..

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Council.

d) The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the Council.

e) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason - In order to secure an acceptable form of development and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

5. No external lighting, either on the buildings hereby approved, or the new street, shall be installed/erected without the prior written approval of the Local Planning Authority.

Reason - To preserve the character of the area and to prevent light pollution in this countryside setting having regard to Policy ST3 of the Lewes District Local Plan, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 2 Classes A to F of Schedule 2, other than

hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Before the first unit of the development is completed, full details of the ecological mitigation measures set out in the 2014 EclA bt Ethos and the 2017 Ecological Assessment update, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval before first occupation of the development.

Reason - To improve the ecological value of the site and to avoid any detrimental impact on wildlife having regard to National Policy Guidance contained in the National Planning Policy Framework 2012.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. Before any development takes place on Plot 16, full details of the reserved matters, which should accord with the broad design principles established and approved for the wider development site shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. Surface water runoff from the proposed development should be limited to 2.8 l/s, for rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. A detailed hydraulic model of the existing watercourses should be undertaken to support the design and location of the property. The hydraulic model should clearly show the following:

- a) The expected flooding extent from the watercourses during events with a 1 in 100 (plus climate change) annual probability of occurrence; and
- b) How the flood waters will be managed safely without endangering property or people. This should take into account the expected flood depths and hazard.

Reason - To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan, CP12 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. 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,

- o Hours of delivery of materials (avoiding school drop off and pick up times)
- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routeing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o 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),
- o details of public engagement both prior to and during construction works,

Reason: In the interests of highway safety and the amenities of the area and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. No part of the development shall be occupied until the car parking for plots 1 - 15 & 17-20 has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

19. No part of the development shall be occupied until covered and secure cycle parking spaces for plots 1 - 15 & 17 - 20 have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

20. No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

21. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

22. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Station Road [C110] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

23. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

24. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

25. No part of the development for the Outline Plot 16 shall be occupied until the car parking spaces and covered and secure cycle parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

26. No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

27. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological 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

28. The development hereby permitted shall not 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) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County 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

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. 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.

3. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

4. 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 Sec 38 agreement being in place are undertaken at their own risk.

5. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-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 it is an offence to undertake any works within the highway prior to the agreement being in place.

6. The applicant's attention is drawn to the requirement for the temporary access to the site [see conditions above]. Whilst there is an existing forecourt access which the applicant may wish to use for construction vehicles, this access in its present form is not adequate and would require alterations/improvements for construction vehicles.

7. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

8. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

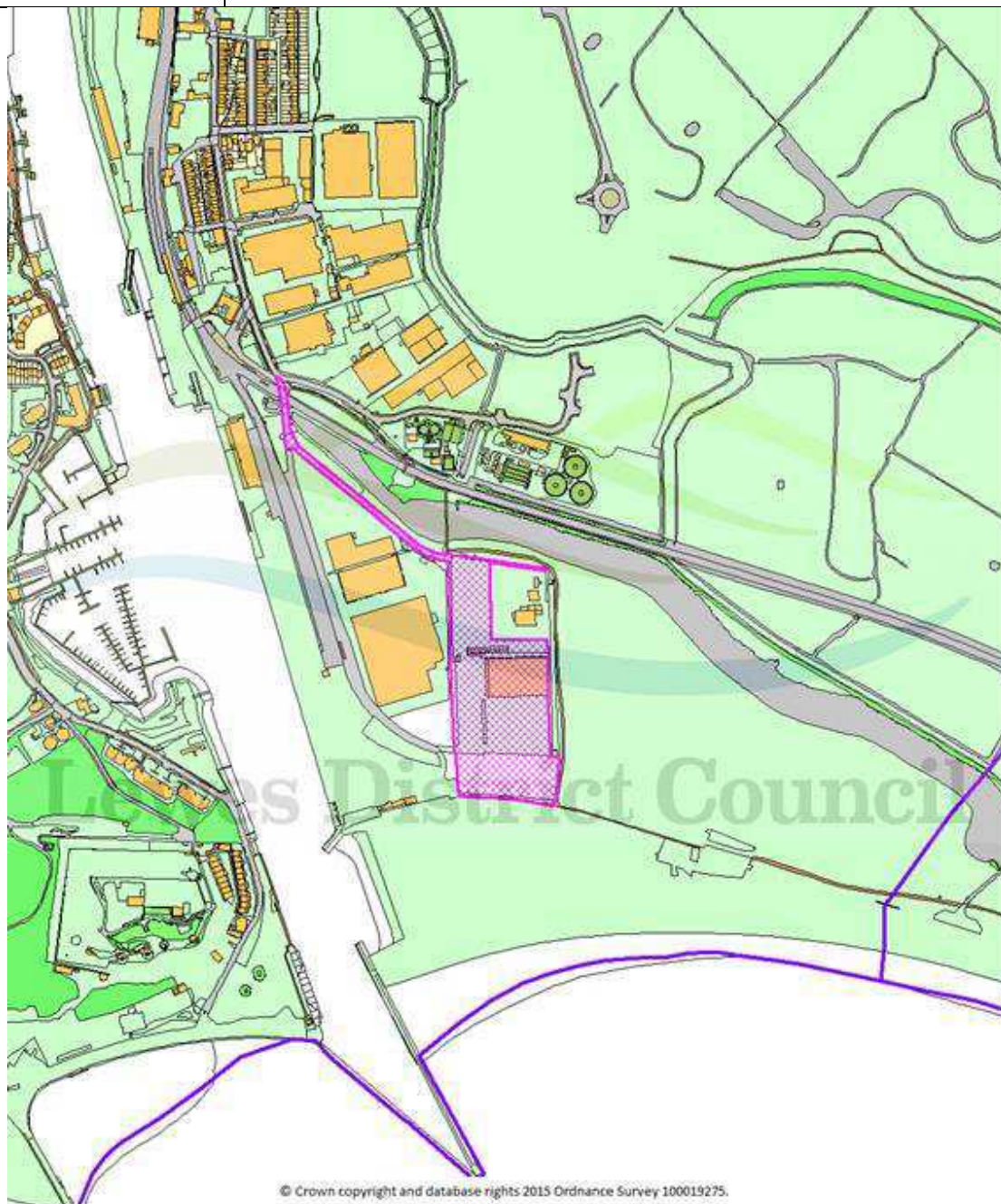
This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	7 December 2017	4980/TS

Technical Report	7 December 2017	ARBORICULTURAL ASSESSMENT & METH
Justification / Heritage Statement	9 October 2017	
Planning Statement/Brief	9 October 2017	
Design & Access Statement	9 October 2017	
Landscaping	9 October 2017	17185-BT2
Landscaping	9 October 2017	17185-BT2 B
Proposed Layout Plan	9 March 2018	P01H
Additional Documents	9 October 2017	ACCOMMODATION SCHEDULE
Landscaping	7 December 2017	CALA21307 11 B
Landscaping	7 December 2017	CALA21307 11 B
Landscaping	7 December 2017	CALA21307 11 B
Additional Documents	9 October 2017	ECOLOGY ASSESSMENT
Technical Report	9 October 2017	GEOPHYSICAL SURVEY
Additional Documents	9 October 2017	ISSUE SHEET
Proposed Elevation(s)	9 October 2017	P10 PLOTS 17-20
Proposed Floor Plan(s)	9 October 2017	P10 PLOTS 17-20
Proposed Elevation(s)	9 October 2017	P11 PLOTS 17-20
Proposed Floor Plan(s)	9 October 2017	P11 PLOTS 17-20
Location Plan	9 October 2017	P20
Additional Documents	9 October 2017	P21 MATERIALS
Additional Documents	9 October 2017	PLANNING DOCUMENTATION
Proposed Elevation(s)	9 October 2017	P02 PLOTS 1 & 2
Proposed Floor Plan(s)	9 October 2017	P02 PLOTS 1 & 2
Proposed Elevation(s)	9 October 2017	P03 PLOTS 3-6
Proposed Floor Plan(s)	9 October 2017	P03 PLOTS 3-6
Proposed Elevation(s)	9 October 2017	P04 PLOTS 1-6

Proposed Elevation(s)	16 October 2017	P05A PLOTS 7-10
Proposed Floor Plan(s)	16 October 2017	P05A PLOTS 7-10
Proposed Elevation(s)	9 October 2017	P06 PLOTS 11-13
Proposed Floor Plan(s)	9 October 2017	P06 PLOTS 11-13
Proposed Elevation(s)	9 October 2017	P07 PLOTS 11-13
Proposed Elevation(s)	9 October 2017	P08 PLOTS 14 & 15
Proposed Floor Plan(s)	9 October 2017	P08 PLOTS 14 & 15
Proposed Elevation(s)	9 October 2017	P09 PLOTS 14 & 15
Proposed Elevation(s)	9 October 2017	P10 PLOTS 17-20
Proposed Floor Plan(s)	9 October 2017	P10 PLOTS 17-20
Proposed Elevation(s)	9 October 2017	P11 PLOTS 17-20
Proposed Floor Plan(s)	9 October 2017	P11 PLOTS 17-20
Landscaping	7 December 2017	TREE PROTECTION
Technical Report	7 December 2017	ARCHAEOLOGY DESK BASED ASSESSMEN
Additional Documents	21 December 2017	STAGE 1 RSA
Flood Risk Assessment	7 December 2017	4990/FRA_DS

APPLICATION NUMBER:	LW/17/0940	ITEM NUMBER:	7
APPLICANTS NAME(S):	Brett Aggregates Ltd	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Consultation by ESCC for the construction and use of plant, namely aggregate processing plant, aggregate bagging plant and buildings, concrete bagging plant and buildings, ancillary offices and stores for processing and utilising aggregates landed at Newhaven Port and distribution of the products by road and rail together with access to the public highway and the extension of an existing rail siding.		
SITE ADDRESS:	The Barn East Quay Newhaven East Sussex		
GRID REF:	TQ 45 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 This application has been submitted to East Sussex County Council (ESCC) for determination as a 'county matter'. ESCC have sought the views of Lewes District Council on the application. The purpose of this report is to establish the views of this Council, which will be forwarded to ESCC, to be taken into account when the application is determined.

1.2 The application is reported to the Committee at the request of Councillor Rowell. The ESCC planning application ref. no. is LW/799/CC (EIA).

1.3 The application indicates that the development would be carried out in three stages, as follows:

Stage 1 (indicative commencement 2018):

1.4 Collecting aggregates imported by ship to the existing berth at East Quay and developing facilities to enable them to be processed, bagged and transported from the Port by rail and road. A daily average of 17 lorry loads is expected, resulting in 34 lorry movements (17 in and 17 out) per day, with no more than six loads in any hour (intended to minimise the potential conflict with school and nursery drop-off times). The application indicates that the use of rail for distribution of the aggregates would be maximised.

1.5 The facilities required would include an aggregate processing plant, feed hopper and conveyors, aggregate storage bays and weighbridge and office.

Stage 2 (indicative commencement 2019):

1.6 On relocation of the Rampion Offshore Windfarm building elsewhere on East Quay, a conveyor would be installed and the rail siding extended to improve cargo discharge and rail loading efficiency and provide more space for aggregates storage. Output by rail would remain unchanged. Development would be little changed from Stage 1, but the extended land would improve the efficiency of ship discharging and train loading and would make more space available for aggregate storage.

1.7 The applicant suggests that, if permitted, a condition could be imposed "restricting outputs and lorry movements to those identified for Stages 1 and 2 development (in Section 4 of the Supporting Statement) until the intended Port Access Road (PAR) is open to traffic, after which that road must be used by all traffic to and from the development site".

Stage 3 (indicative commencement 2020):

1.8 After completion of the PAR, increased levels of aggregate processing and bagging and a ready-mix concrete batching plant would be added. All traffic associated with the development would use the new PAR.

1.9 Infrastructure for Stage 3 would include a concrete batching plant, cement silos and water storage tanks. It is estimated that traffic generated, all of which would use the then constructed PAR, would average 109 lorry movements per day.

1.10 The applicant suggests that, if permitted, a condition could also be imposed "preventing the use of the Stage 3 development until the PAR is open to traffic".

1.11 Ship docking, unloading and leaving would be as directed by the Harbourmaster as part of permitted port operations. The operation of Stages 1-3 would take place between 07:00 to 18:00.

1.12 The application is submitted with an Environmental Impact Assessment (EIA), which can be viewed at www.eastsussex.gov.uk. The EIA covers topics including townscape and visual impact, biodiversity, cultural heritage, flood risk and drainage, noise, air quality, road traffic, and employment and economics.

1.13 All phases of the development would be located on land north of footpath 40b, which defines the existing southern edge of the active port operational area (this is not on the port expansion land approved under LW/15/0034).

1.14 A Stage 4 proposal, to build a concrete block-making plant on the port expansion land, has been withdrawn from this application. The applicant has indicated that this part of the application has been withdrawn "as a consequence of the public reaction to the Stage 4 proposals following a public exhibition and the formal consultation process.....".

1.15 This report, including the 'Planning Considerations' (assessment) section, concentrates on what are considered to be the main issues arising from the application.

2. RELEVANT POLICIES

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013)

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – NH20 – Upgrading and Expansion of The Port

3. PLANNING HISTORY

LW/13/0731 - Works to existing warehouse, extension to roof and erection of new warehouse - **Approved**

LW/81/1836 - Container park and possible portable office. - **Approved**

LW/02/1608 - Application for hazardous substances consent in respect of the storage of ammonium nitrate fertilizers - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Newhaven Town Council – Objects in the "strongest possible terms" on grounds of:

- Health and wellbeing, from dust blowing towards the town, pollution and noise from lorry traffic.
- Transport, from additional lorry movements onto a highly congested road network which is regularly at a standstill.
- Visual impact of the concrete block making plant (officers note: this is now deleted from the application).
- Coastal impacts, from an inappropriate development close to sensitive areas, such as the beach, the SDNP and the SNCI.

- Footpath and leisure uses, whereby access to the East Pier may be affected by the development.
- Safeguarding sites for minerals, whereby the development would be more suited to the North Quay area where sites are allocated for minerals use.
- Environmental impact on flora and fauna, from the effect on the adjacent wildlife reserve at Tide Mills.
- Employment generation, whereby the provision of 93 jobs (if all four stages were implemented) would be a poor return in terms of job creation.
- Impact on regeneration of Newhaven, whereby the proposed development is not aligned with regeneration aspirations. 'Clean and green' businesses were expected, but this is the opposite and would discourage 'clean' businesses setting up in the town.

4.2 The TC commissioned consultants to assess the supporting reports submitted with the application. The consultants concluded that:

Transport Assessment:

- Development stage trip generations are generally acceptable;
- Distribution of those trips onto the highway network is only partly acceptable;
- Assessment of impacts on the highway network is not generally acceptable, and a more detailed assessment is required of performance over a wider network.

Noise:

- Traffic related noise is only assessed on Beach Road, and should be assessed on the approved residential site adjacent to the Port Access Road;
- The assessment results for Beach Road of a +2 db(A) increase in traffic related noise over an 18hr weekday assessment period is probably of the order expected. The conclusion that the impact is negligible is agreed, but the report does correctly caveat that the impact of individual HGV movements cannot be described as negligible.
- No noise assessment of the construction stage has been reported.
- General noise impacts could mean up to 10db difference which is significant, on residential receptors and the tranquillity of the Tide Mills habitat.

Air Quality:

- The modelled results for changes in levels of pollutants are probably of the right order, but values are rounded which could mask small but consistent low-level changes;
- No assessment on air quality of construction traffic has been reported.

4.3 Natural England – No objection in terms of the effect of the proposal on Statutory Nature Conservation Sites, specifically the Brighton to Newhaven Cliffs SSSI.

4.4 South Downs National Park – The SDNPA objected to the originally submitted scheme (including Stage 4) due to landscape and visual impact, with particular focus on the SDNP. The SDNPA highlighted the view from Tide Mills, commented that the Landscape and Visual Impact Assessment was "astonishingly poor" and that the proposal lacked landscape mitigation measures.

4.5 The Open Spaces Society – Objected on grounds that Stage 4 would compromise views and access to the beach.

4.6 Sussex Wildlife Trust – Objected on grounds that a significant portion of the Tide Mills Local Wildlife Site, along with the priority habitat it contains, would be destroyed.

4.7 ESCC County Ecologist – Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity. Consideration should be given to the impacts of the proposals on the wider SNCI. Reptile surveys should be carried out in accordance with best practice to inform appropriate mitigation. Opportunities should be incorporated to enhance the site for biodiversity.

4.8 South Highton Parish Council – Objected on the grounds that this development would have a significant detrimental impact on the amenities, health, wellbeing and quality of life of our local residents and the Parish Council believes this application should be refused.

4.9 ESCC SUDS – No objection. As the development does not propose increasing the impermeable area at the site, it is not considered that the proposal would significantly impact on surface water flood risk.

4.10 Seaford Town Council – Supported the response of Newhaven Town Council. Major intrusion into view along the coast from Seaford, detrimental effect on Tidemills, effect of dust and noise on the Bishopstone area and contrary to the 'Harbour Masterplan' (which is aimed at introducing green and clean industries to work alongside the Rampion Wind Farm).

4.11 Southern Water Plc – Recommends conditions requiring foul and surface water drainage details to be submitted to and approved by the LPA prior to the start of development.

4.12 ESCC Highways – The Highway Authority responded in January 2018, objecting due to insufficient information being submitted on the application. The HA advised that the Transport Assessment provides vehicle numbers but does not provide an impact assessment to understand how the highway network will manage the additional vehicles, together with committed developments and backland growth. Junction modelling was therefore requested, so that the Highway Authority was able to understand the impact of each stage of the development.

4.13 Officers note: It is understood that discussions have since taken place between the HA and the applicant's consultants regarding the above matters. However, the final recommendation of the HA is awaited at the time of writing.

4.14 Newhaven Chamber Of Commerce – Are 'deeply concerned' about the application, believing that this type of business will have the most detrimental effect on the regeneration of Newhaven. A 'Clean, Green and Marine' outlook is necessary to attract the construction of hotels, retail outlets and leisure facilities. The visual and environmental effects of this business will deter companies from all of these sectors from investing in the area. Employment would be limited and the road system will be overloaded.

4.15 ESCC Archaeologist – Recommends that conditions requiring a programme of archaeological works are imposed on any consent.

4.16 LDC Regeneration & Investment – The vision for East Quay, which incorporates the application site, is for commercial development that supports a sustainable and vibrant Port in Newhaven. It is recognised that this is a significant and vital component of the local economy.

4.17 Whilst the proposal (when all four stages are completed) is estimated to create near to 100 jobs, 74 of which will be net additional jobs to the area, they are primarily low skilled employment opportunities. The development proposals will cover an estimated 5.17ha. Based on 100 jobs, this equates to more than 500m² per job which we consider is a low employment density for the type of industrial use being proposed.

4.18 We acknowledge that there is a need for additional marine dredged aggregates through Ports. Newhaven is a working, maritime-focused port and is the only operational port in East Sussex. We also acknowledge that this proposal fits with the published Port Masterplan.

4.19 Any consent should be subject to the construction of Phase 1a of the PAR, and appropriate mitigations to minimise the impact on surrounding commercial and residential sites.

4.20 We are concerned at the low density of employment provided through the scheme, although we do recognise that new job creation is important in Newhaven. We would also like to see a commitment to offering the newly created jobs to local people, perhaps through an employment open day, and would encourage Brett's to collaborate with local colleges to consider skills provision and training where the business requires. Should consent be granted, we would welcome the opportunity to discuss these employment opportunities with the applicant to maximise local benefit from the proposals.

5. REPRESENTATIONS FROM LOCAL RESIDENTS AND OTHER GROUPS

5.1 Approximately 1000 individual objections have been received to the application.

5.2 The main grounds of objection are that:

- The proposal is contrary to the clean, green mantra of the Port Masterplan and is not the type of clean commercial, employment generating use which would benefit Newhaven and its regeneration;
- There would be a damaging effect on the local environment and ecology, including at Tide Mills;
- The proposal conflicts with local planning policy;
- A limited employment opportunity would result;
- There would be an unacceptable increase in lorry traffic on local roads, which are already congested;
- The extra lorry traffic would cause highway hazards, noise and pollution;
- The development would give a poor impression of Newhaven on arrival to the town by ferry;
- There would be an adverse effect on tourism in the area.

5.3 Many objections refer to the initially proposed Stage 4 part of the proposal (the concrete block making building and process on the port expansion land), but Stage 4 has been deleted from the application.

5.4 A petition has also been submitted to the County Council "to prevent the destruction of the Western End of Tide Mills and Seaford Bay by refusing inappropriate development and dirty, low value, low tech, environmentally and ecologically unfriendly industries such as ready mixed concrete and concrete block making as applied for by Brett Aggregates. Preserve the Western End of Seaford Bay and Tide Mills by maintaining and

enhancing the unspoilt coast line". In November 2017 the petition had over 2,700 signatories.

5.5 Friends of Tide Mills object on grounds of change to the Tide Mills environment, the type of industry is at variance with the Port Masterplan and the effect on the saturated road network and levels of air pollution.

5.6 Community Action Newhaven (a "group of local residents supporting other residents who may wish to voice their opposition to the proposal, and campaigning for a clean, green Newhaven"), object strongly on grounds of:

- Incompatibility with local policies, plans and strategies for the area (which promote a 'clean and green' vision for Newhaven);
- Incompatibility with policies on tourism (the SDNP Draft Local Plan sees Newhaven as the 'gateway' to the South Downs, but this development will be the first thing people see when arriving by ferry and will create a negative impression of the town);
- Incompatibility with policies on traffic, pollution and air quality (the A26, A27 and A259 are already congested, and air pollution in Newhaven already breaches legal limits with consequent risks to health);
- Inadequate information on train journeys (train journeys could potentially cause more rail crossing closures which would add to traffic congestion or noise at night);
- Additional impact on health and wellbeing (from dust from the actual operations);
- Cumulative impact of housing other development (on, for example, traffic levels and air quality);
- Incompatibility with Enterprise Zone Plans and other employment policies;
- Visual impact (particularly the Stage 4 building - now removed from the proposal);
- Biodiversity obligations/destruction of vegetated shingle habitat (and the effect on Tide Mills, its birdlife and ecology);
- A strategic look at where industry should be located should be taken, and Newhaven cannot continue to be where everything difficult to place gets dumped.

5.7 Sussex Ornithological Society objects on grounds of the "severe detrimental effect on the Tide Mills local Wildlife site (LWS). The LWS lies downwind of the development and is likely to be severely degraded by dust, noise and water pollution".

5.7 The full text of representations can be viewed on www.eastsussex.gov.uk.

6. PLANNING CONSIDERATIONS

The applicant

6.1 For information, the Brett group is a construction and building materials group of businesses, with its three core areas being the supply of aggregates, ready mixed concrete and landscaping and building products.

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 (WMLP)

6.2 The WMLP forms part of the Development Plan for the area, and therefore should be given substantial weight by ESCC in determining the application. Whilst the site is not specifically identified in the Sites Plan for safeguarding, any proposal which assists in meeting the supply needs for construction aggregate materials in the Plan area would be supported in principle, subject to being acceptable in environmental and amenity terms. As

this proposal would make a significant contribution to the aggregate needs of the Plan area, the proposal is supported in principle in waste and minerals terms.

Alternative locations

6.3 The application includes a detailed commentary on why other sites, in the applicant's view, have been unable to produce aggregates to make a significant contribution to meeting the demand in East Sussex.

6.4 By way of context, the position is that the only 'land-won' sand and gravel extracted in East Sussex is from a quarry straddling the East Sussex/Kent border (at Camber/Lydd). Aggregates therefore need to be imported into the County. Importation by road from quarries outside the county makes little contribution to meeting demand. Importation by rail (the only terminal being at North Quay, Newhaven) is limited because the source of supply (outside East Sussex) needs to also be rail connected. Therefore, there is reliance on the contribution of marine dredged aggregates, as confirmed by the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 (WMLP). WMLP policy WMP15 recognises the part local wharves must play to achieve an adequate supply of aggregates in the WMLP Area.

6.5 Wharves at Newhaven, Rye and Shoreham have been used for for the importation of sand, gravel and crushed rock. However, the applicants contends that wharves at North Quay, Newhaven have shallow water and access restrictions (and that smaller scale shipping operations are no longer viable), Shoreham has shallow water and is not rail connected and Rye also has shallow water and limited area. East Quay, Newhaven Port, however, is said to have deep water, no river access restrictions and ample space to process landed aggregate. East Quay also has the benefit, compared to North Quay, of avoiding the need to close the swing bridge to traffic for ships using its wharves.

6.6 The above arguments about the alleged deficiencies of alternative locations are not, however, considered to carry significant weight in the consideration of the proposal. The fact is that the wharves at North Quay, Shoreham and Rye are, notwithstanding particular issues applying to each, available for use for the importation of aggregates. There is therefore not considered to be an over-riding need for the proposal at East Quay, although it is true (as referred to above) that the proposal receives the general support of the WMLP because of the significant contribution it could make to the aggregates needs of the Plan area.

The need for planning permission

6.7 The applicant submits that the proposed development (as amended without Stage 4) would normally be 'permitted' under the General Permitted Development Order 2015 (Class 1 of Part 7 - Developments relating to an industrial process, or Class B of Part 8 - Dock, pier, harbour, water transport, canal or inland navigation undertakings). However, an Article 4 Direction 'Relating to Land at Tide Mills' (made in 1977) applies to port land forming part of the site, which withdraws permitted rights granted under those parts of the GPDO, and this means that planning permission is required for the development within the Article 4 area. The part of the development on port land west of the Article 4 area (next to the river) would be 'permitted development', including offloading of aggregates from sea going vessels, their storage and rehandling.

Port Masterplan for Newhaven

6.8 The Port Masterplan for Newhaven Port was published by Newhaven Port and Properties in 2012, and comprises a strategic framework from which the port is intended to develop over the next 20 to 30 years. The starting point of the Masterplan was that Newhaven needs a higher level of economic activity, leading to long-term job creation, in order for both the town and the port to have a sustainable future. The Masterplan set out five key strategic objectives, being:

1. Maintain the Newhaven - Dieppe ferry route
2. Invest in infrastructure to establish a clean technology and renewable energy business cluster
3. Increase international trade through the port, with a focus on renewable energy supplies such as biomass
4. Invest in infrastructure for the continued development of the fishing and leisure marine sectors
5. Enhance the natural marine environment by establishing a public access conservation area on port land.

6.9 The Masterplan referred to Newhaven being home to businesses in the clean technology and renewable energy sector, including the Energy from Waste Plant at North Quay, and the University Technical College which has since been built adjacent to the swing bridge. The Operations and Maintenance Base for EON's Rampion Off-Shore Wind Farm has since been added at the Port, which is consistent with the type of business anticipated by the Masterplan.

6.10 Much of the thrust of opposition to this application is that the proposal is not founded in 'clean technology', and therefore is not in accordance with the Port Masterplan. This objection appears well based, although the application sets out how the buildings would meet BREEM (Building Research Establishment Environmental Assessment Method) 'Very Good' ratings (through measures including the use of solar panels, green roof, water and energy monitoring systems and so forth).

6.11 Policy CP4 (Encouraging Economic Development and Regeneration) indicates that the Council will support the "continued use of Newhaven port for freight and passengers including plans for expansion and modernisation of the port as identified in the port authority's Port Masterplan. Support will also be provided to the delivery of onshore infrastructure and support services for the Rampion offshore windfarm". The text to the policy states that "Development and job-creation opportunities related to the Port are considered vital to the regeneration of Newhaven and the surrounding coastal area and to improve the continental 'gateway' to the South Downs National Park". The text goes on to indicate that the onshore base for the Rampion offshore windfarm will be a key element in the town developing as a centre for green industries and innovation.

6.12 Planning policy colleagues have advised that, as a matter of interpretation of CP4 and its supporting text, the industrial operation proposed in the application does not directly conflict with CP4. The policy does not preclude support for industrial proposals at the port. It is, however, a matter of judgement whether the proposal is acceptable on its own merits, taking into account factors such as job creation, the contribution of the proposal to the regeneration of Newhaven and surrounding coastal area and the 'gateway' to the National Park.

6.13 The Port Masterplan in itself is not Council policy, but is a statement of intent of the Port. It is therefore considered that the contention that the proposal conflicts with the Masterplan cannot reasonably form grounds for refusal of the planning application. In any case, the proposed operation is bound to be of interest to Newhaven Port in commercial terms, as the operation is fundamentally characterised by the import of aggregates by sea.

Newhaven Port is a working port and the proposed operations are typically found in a port environment.

Employment

6.14 The application indicates that Stages 1 and 2 would create a total of 19 jobs, and 31 jobs when Stages 1-3 are operative. As indicated by the Council's Regeneration and Investment Team, while any job creation is welcomed, there is concern that this is low density employment. Potentially, other more labour intensive developments (whether or not based on 'clean' technology) could more positively benefit the local employment market. However, there is no scope in the planning process to refuse permission in the hope or aspiration that a 'better' job creating proposal would come forward, and therefore this is not considered to be grounds for objection to the application.

6.15 As indicated by the Council's Regeneration team, a commitment by the applicant to offer jobs to local people, and a collaboration with local colleges to provide skills training to local young people, would be welcome to maximise the local benefit of the development.

Effect of noise

6.16 The nearest residential properties are Fort Gate and Mariners Wharf (on the opposite side of the river) and front on to Beach Road/Transit Road on the approach to the site. However, noise from port activities can be an issue further afield, such as at the Hillcrest and Gibbon Roads areas on higher land to the west.

6.17 The application indicates that various noise control measures would be applied, including noise-reducing lining to chutes and conveyors, acoustically lined cladding to fixed plant, no use of tannoys or reversing 'bleepers' on lorries.

6.18 The Council's Specialist Advisor has assessed the proposal and provided observations to ESCC on the potential noise impacts arising from the proposal. He has raised various questions about the technical information submitted with the application. While there is an acceptance that this is a working port where some noise is inevitable (and can be accepted) from port activity, the onus is on the applicant to put forward measures which would be effective to minimise the impact of noise from the various processes involved in the application (including from the unloading of aggregates from ships at the quayside).

Effect of dust

6.19 The application indicates that various dust control measures would be applied, including all combustion powered plant to be fitted with exhausts directed upwards (to prevent dust at ground level), 'drop' heights of aggregates into hoppers, rail wagons and lorries to be minimised and all unsurfaced areas to be damped down. The concrete batching plant would also be subject to dust suppression measures.

6.20 Again, the Council's Specialist Advisor has assessed the proposal and provided observations to ESCC on the potential dust impacts arising from the proposal. As per the position regarding noise, the onus is on the applicant to put forward measures which would be effective to minimise the impact of dust from the various processes involved in the application.

Air Quality

6.21 The Council's Specialist Advisor has assessed the proposal and provided observations to ESCC on the potential for adverse effect on air quality arising from the proposal, particularly given the Air Quality Management Area (AQMA) designated on the town centre ring road. These adverse effects largely arise from the passage of lorry movements to and from the site.

6.22 While raising various technical questions on the submissions of the applicant, the Specialist is generally satisfied that, given the level of traffic anticipated as described in section 1 of this report, the proposal would not unduly adversely affect air quality conditions, over and above that which might reasonably be expected by port development.

Effect on Tide Mills and local ecology

6.23 There appears to be no evidence that the proposed operations would have any adverse effect on the area of ecological, wildlife and birdlife interest at Tide Mills. However, ESCC will need to ensure that no such impact would arise, if permission is granted.

Traffic generation

6.23 As indicated in the 'Site Description/Proposal' section above, the anticipated lorry traffic generated by the proposal would be 34 lorry movements for Stages 1 and 2, which would approach and leave the site off the A259 (The Drove) via Railway Road, Clifton Road and Beach Roads.

6.24 Stage 3 would be dependent on the PAR being built, at which time the expected lorry traffic (from Stages 1-3) would amount to an average of 109 movements per day using the PAR. At this time all traffic would avoid the aforementioned roads and join the A259 at the roundabout by the Drove Retail Park.

6.25 At each Stage, the majority of lorry traffic from and to the wider highway network would use the A26, linking from and to the A27.

6.26 While the concerns expressed about additional lorry traffic in Newhaven are acknowledged, it does not seem likely that anticipated traffic levels (34 movements per day for Stages 1 and 2, 109 for Stages 1-3) would have a significant impact on the local road network. This matter, however, is still subject to the final analysis and recommendation of the Highway Authority. It would be unrealistic to expect that developments at the port should not generate any lorry traffic; traffic is likely to result as a normal consequence of healthy port activity and business.

6.27 In terms of the impact of lorry traffic on local living conditions (particularly on residences fronting Railway, Clifton and Beach Roads), the applicant has indicated that a rolling replacement programme of HGV's operated by the company is being carried out, and that new vehicles would have the latest Euro 6 model engines, which are much cleaner than their predecessors. Such vehicles are also fitted with tracking systems, which monitor the speed of the vehicle and how it is being driven. The on-board computer can be set up to restrict routes which can be travelled and set speed limits of the applicants choosing (which would be 15mph using Beach and Railway Roads). It is also said that the speed limit would help reduce noise and exhaust emission gases from lorries on these roads.

6.28 The applicant has proposed that Stage 3 would not proceed until the PAR is completed, which will provide road access to the port whilst avoiding the residential areas along Railway, Beach and Clifton Roads. The current position is that delivery of the PAR

remains an ESCC objective, and that following detailed design work ESCC are aiming for a construction start in late spring/early summer.

Visual impact

6.29 The fact that the formerly proposed concrete block making plant (Stage 4 of the proposal) has been removed from the application has taken out the most significant and prominent building from the application. It seems likely that the objection from the SDNPA concentrated on Stage 4. The current proposal, comprising Stages 1-3, would be located within the existing port operational area.

6.30 It is considered that Stages 1-3 would have a neutral effect on local views of the site, as these stages would be seen in the context of the port, and there would be no expansion beyond the existing port operational area. Local and closer views would similarly not, it is considered, form a sound basis to object to the proposal, but mitigation could be included to improve their appearance. This mitigation could take the form of, for example, painting the existing galvanised metal security fence, providing landscaping and choosing the colours of the various elements of the scheme carefully with the aim of integrating them into their setting.

Conclusion

6.31 This application has attracted very considerable public opposition, which ESCC will need to take into account when the application is determined. In response to that opposition, the applicant amended the proposal to remove the highly contentious Stage 4 of the originally submitted proposal (for the concrete block-making plant on the expanded port land) from the application.

6.32 Stages 1-3, which now constitute the development to be determined, are within the existing port area. The aggregate based proposal is founded in meeting a county wide demand, whereby material is imported through the existing port. The subsequent processing operation is not considered to accord with the general thrust of the Port Masterplan to promote 'clean businesses', but would nevertheless help meet a demand and would generate some (albeit quite limited) employment. The proposal would not, it is considered, generate excessive amounts of lorry traffic over and above that which might be expected from normal port activity.

6.33 If ESCC consider that the application is acceptable in principle, strict and enforceable measures should be imposed by condition or legal agreement to control the environmental impacts of the development and processes involved. It is recommended that this approach should form the substance of Lewes District Council's response to ESCC on the application.

7. RECOMMENDATION

7.1 That Lewes District Council recognise that the application would make a significant contribution to the supply of aggregates, and is supported in principle by the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan. The Council also acknowledge that substantial local objection has been raised to the application which, where founded in planning concerns, needs to be weighed up in the planning balance.

7.2 Should East Sussex County Council be satisfied that the planning balance lies in favour of the proposal in principle, Lewes District Council urge that strict controls are

imposed by condition or legal agreement, in ensure that the environmental impact of the operations are as limited as reasonably possible.

7.3 Such controls would include detailed measures to control noise from the operations (such as noise-reducing lining to chutes and conveyors, cladding to fixed plant, no use of tannoys or reversing beepers on lorries), dust (such as ensuring exhausts on combustion powered plant are directed upwards and drop heights of aggregates to be minimised) and traffic (such as the use of tracking systems to control speed along the approach roads). Stage 3 should not be implemented until such time as the Port Access Road (PAR) is complete, at which point all traffic from the proposal (Stages 1-3) should be required to use the PAR for access to and from the site.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Application and EIA		LW/799/CM (EIA)

APPLICATION NUMBER:	LW/17/1075	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr A Thomas	PARISH / WARD:	Seaford / Seaford South
PROPOSAL:	Planning Application for erection of self-contained dwelling		
SITE ADDRESS:	15B Heathfield Road Seaford East Sussex BN25 1TH		
GRID REF:	TQ 48 89		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is garden land forming part of 15B Heathfield Road, which is located behind 15 and 15A Heathfield Road. The site is accessed by a driveway which runs off Heathfield Road between 15A and 17 Heathfield Road. 15B is a bungalow. To the south are the long rear gardens of 37 and 39 Bramber Road (which are between 25-35m long), to the north is The Crouch Recreation Ground and to the west is the 'green' entrance to the recreation ground off Bramber Road.

1.2 The proposal is for a two-storey house, with two open parking spaces and private garden. The house would have three bedrooms. The eaves would cut through the upper floor windows, thereby creating 'skelings' to the first floor rooms. The first floor would only have two windows facing south (to two bedrooms) and one facing north (to the landing), with no windows facing west (facing the recreation ground entrance) or east (facing 15, 15A, 15B and 17 Heathfield Road).

1.3 15B would retain open space and its own private garden after the proposed subdivision of its plot.

1.4 The driveway to the plot is single width and has gravel surfacing. On the 15A Heathfield Road side it is open (where next to the adjacent driveway to 15A Heathfield Road), and then is bounded by a hedge about 3m high along the remainder of the driveway. 15A itself is separated from the driveway by its own garage. On the 17 Heathfield Road side the driveway is bounded by a close board fence, with the flank wall to no. 17 close to the front part of the driveway. 17 Heathfield Road has a blank flank wall with no windows or doors directly facing the driveway.

1.6 The proposal includes the provision of a new acoustic fence along the boundary of the driveway with 17 Heathfield Road.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – ST04 – Design, Form and Setting of Development

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/17/0427 - Erection of 3 bedroom dwelling within the curtilage of 15B Heathfield Road, including part demolition of existing garage - **Refused**

LW/91/1003 - Outline application for one bungalow - **Refused**

S/73/0346 - Outline application for three dwellings with access road. Approved by ESCC. - **Approved**

S/73/0241 - Outline application for bungalow. - **Refused**

LW/87/0896 - Outline application for the erection of one dwelling. - **Refused**

LW/87/0442 - Outline for erection of two dwellings - **Refused**

S/69/0063 - Outline application for dwelling at rear of 041 Bramber Road. - **Refused**

LW/88/1497 - Outline application for erection of one bungalow and gargaes. - **Refused**

S/69/0357 - Outline application for two detached bungalows with garages - **Refused**

LW/76/1393 - Outline application for one dwelling at rear of 015a. - **Approved**

LW/96/0890 - Erection of detached bungalow with integral garage - **Approved**

LW/94/1445 - Outline Application for erection of bungalow. - **Approved**

APPEAL/88/1497 - Development Appeal - **Dismissed**

APPEAL/91/1003 - Development Appeal - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Seaford Town Council – Objection on the following grounds:

1. That the grounds for refusal of the previous application still applied.
2. The additional information on the likely traffic generation and noise levels did not alter the fact that the development would be unneighbourly and would cause an unacceptable level of general disturbance in the locality.
3. Also the amenities of the area were still adversely affected by the removal of the trees from the driveway. They should be replaced.
4. The proposals were still directly contrary to saved policy ST4 of the Local Plan and the granting of consent would make it more difficult for the District Council to resist similar schemes

4.2 Environmental Health – If LPA is minded to grant a planning permission, then an 'unsuspected contamination' condition should be imposed.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 The occupier of 17 Heathfield Road (next to the access) has commented that "I will not be submitting an objection to the above application. I have met with Mr Thomas (from 15B Heathfield Road) and we have agreed that instead of replanting the Leylandi hedge we would prefer to have an acoustic barrier erected because it will not require any maintenance and will be more effective at dealing with any concerns I expressed in my previous objection dated 04 June 2017. (LW/17/0427)". Officer's note: Those 'previous concerns' focussed on increased noise levels, with another property bringing double the volume of traffic.

5.2 The occupier of 15A Heathfield Road objects. In the objection, he has set out the planning history of the site, and highlighted that permission for 15A was granted only when trees were planted along the access drive, and a condition required that the trees were to be replaced if lost. The trees have since been removed, and therefore the access road is not in compliance with the original permission. To grant permission for a second property would not be appropriate as this would increase vehicular use of the access way which is not currently compliant for one property.

5.3 The occupier of 15A Heathfield Road goes on to say that he will build a fence between his garage and the pavement, along his side of the access way, and that cars would have to enter and leave the access very carefully and use mirrors to see around the blind corners. Also, the access is not wide enough for two cars to pass and is paved with loose gravel, generating excessive noise. Finally, some aspects of the Noise Assessment submitted on behalf of the applicant are factually wrong.

5.4 The occupiers of 37 Bramber Road object on grounds of:

- Backland development.
- The trees which were required along both sides of the access off Heathfield Road have been removed, which has caused noise and disturbance to adjoining properties.
- Overlooking of properties across the recreation ground and neighbouring gardens.
- The access has no passing areas, thus providing the opportunity for vehicles to have to back into Heathfield Road.
- The proposal is unnecessary given numerous other developments taking place.

5.5 Other more general objections raised are Loss of trees; Not sustainable: Out of Character; outside Planning Boundary; Over-development; Overbearing Building/Structure: Overlooking/Loss of Privacy; Parking Issues; Smell/Fumes: Traffic Generation.

6. PLANNING CONSIDERATIONS

6.1 This is an application for a house in a backland position, behind development fronting onto Heathfield Road. As indicated above, access is off Heathfield Road by a gravelled driveway about 50m long, between 15A and 17 Heathfield Road. The access already serves a bungalow (15B Heathfield Road) in this backland position which was given planning permission in 1994 (LW/94/1445L).

6.2 The history of the site is summarised in the 'Planning History' section of this report. The key point is that a sequence of refusals in the 1980's and in 1991, all on grounds that the access was inadequate, were reversed in 1994 when permission was eventually granted for a bungalow. Permission was granted because trees which had been planted adjacent to the access had become established, and were considered to soften the impact of vehicles along the driveway to the then proposed bungalow. As an objector to the current application has pointed out, a condition on LW/94/1445 required that the trees were to be "retained to the satisfaction of the Local Planning Authority".

6.3 The trees have since been removed. It is understood that their removal took place about two years ago, after discussions between occupants of the bungalow at 15B and the occupier of 17 Heathfield Road. The reasons for their removal are understood to be loss of light caused by the trees to no.17 and their maintenance requirements. The trees were leylandii and were thus fast growing.

6.4 An application last year (LW/17/0427) for a house on the plot was refused, essentially on grounds that noise and disturbance would be caused by use of the access by the extra dwelling (because the trees mentioned above have been removed) and that traffic hazards could arise in Heathfield Road given that the access was single width only.

6.5 The current application, unlike the previous application, is supported by a technical Noise Assessment, which concludes that "no adverse effect" would arise from the extra dwelling. The Assessment indicates that this conclusion 'takes account' that it is proposed to install a 2m high acoustic barrier along the boundary of the driveway with 17 Heathfield Road. This is the material difference to LW/17/0427, which contained no such fence proposal.

6.6 The Council's EHO has considered the report, and advises that ".....Having reviewed this document and the evidence presented with regard to relevant British Standards, WHO Guidelines for Community Noise, the Planning Policy Guidance and the suggested No Observed Effect Level of 45 dB (LAeq 16hr) I am satisfied that there is no reason to object to this proposal given the limited number of vehicles movements along the drive plus the provision of an acoustic fence".

6.7 The number of vehicle movements associated with a single dwelling can generally be around six to ten per day, but this of course varies according to factors such as car ownership, the proximity of the dwelling to shops, employment and services, and the travel habits of individual occupiers.

6.8 The number of vehicle movements along the driveway from the two dwellings (15B plus the proposed house) could therefore be expected to be in the order of 12-20 per day. With the acoustic fence adjacent to no 17, and the hedge and 15A itself set away from the driveway, it is considered that the use of the driveway with the extra house would not cause undue noise and disturbance to neighbours and would be acceptable in planning terms.

6.9 As indicated in the 'Representations' section, the adjacent occupier has indicated that a fence would be erected to bound the 'open' part of the driveway towards the front. This does not alter the conclusion above that the use of the driveway by the extra dwelling would be acceptable.

6.10 On the plot itself, as indicated above there would be limited first floor windows. The south facing windows would be some 38m to 37 Bramber Road and 12m to the boundary between the two properties (between which there are trees). The north facing window would look over The Crouch Recreation Ground.

6.11 The height of the house would be about that of the bungalow at 15B Heathfield Road, as it would be set on slightly lower land. Although the house would be visible in the locality, it is not considered that it would be unduly prominent, including from the entrance to the recreation ground off Bramber Road.

6.12 Although the refusal of LW/17/0427 referred to highway hazards arising in Heathfield Road from the additional use of the driveway by the extra dwelling, it is not considered that, in isolation, it is a sustainable reason for refusal. The number of instances where conflicting traffic movements cause highway hazards along Heathfield Road is likely to be very low. Heathfield Road itself is a generally quiet residential road.

6.13 The site is in a sustainable location with easy access by foot to local shops and services in Seaford town centre.

6.14 Overall, it is considered that the proposal would comply with Retained Policies ST3 and ST4 of the LDLP and CP11 of the JCS, and is therefore recommended for approval.

7. RECOMMENDATION

That planning permission be granted.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A-C of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Prior to the commencement of development, a 2m high acoustic barrier shall be erected along the boundary with 17 Heathfield Road, in accordance with details (position and length of barrier and its design and appearance) which shall have been first submitted to and approved by the Local Planning Authority. The acoustic barrier shall thereafter be retained in place.

Reason: To help safeguard the living conditions of occupiers of 17 Heathfield Road from vehicular noise along the driveway to the approved house, having regard to Retained Policy ST3 of the Lewes District Local Plan (within the Joint Core Strategy).

5. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

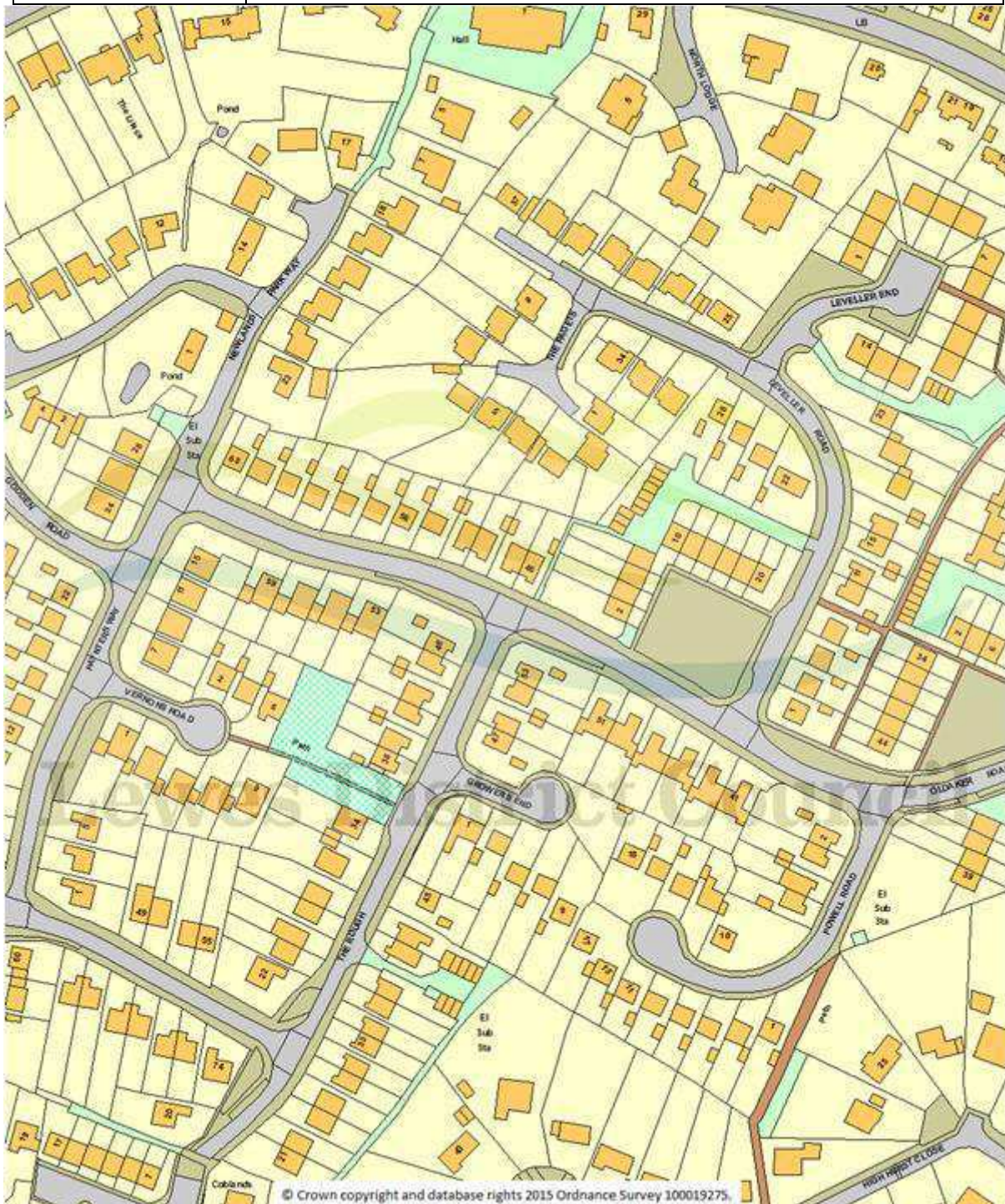
6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	27 December 2017	TA 1020-181217-01A
Existing Elevation(s)	27 December 2017	TA 1020-210417-03
Existing Elevation(s)	27 December 2017	TA 1020-210417-05
Proposed Elevation(s)	27 December 2017	TA 1020-181217-14A
Proposed Elevation(s)	27 December 2017	TA 1020-181217-16A
Proposed Elevation(s)	27 December 2017	TA 1020-181217-15A
Proposed Elevation(s)	27 December 2017	TA 1020-150517-13
Existing Floor Plan(s)	27 December 2017	TA 1020-210417-04
Proposed Floor Plan(s)	27 December 2017	TA 1020-150517-11
Proposed Floor Plan(s)	27 December 2017	TA 1020-181217-12A
Proposed Roof Plan	27 December 2017	TA 1020-181217-10A
Survey Plan	27 December 2017	TA 1020-150517-02
Noise Detail	27 December 2017	NOISE ASSESSMENT
Planning Statement/Brief	27 December 2017	PLANNING STATEMNT PAD V2

APPLICATION NUMBER:	LW/18/0048	ITEM NUMBER:	9
APPLICANTS NAME(S):	Ms S Berry	PARISH / WARD:	Newick / Newick
PROPOSAL:	Outline Planning Application for one pair of semi-detached three bedroom houses with integral garages and parking spaces		
SITE ADDRESS:	Land Adjacent To The Rough And Vernons Road Newick East Sussex		
GRID REF:	TQ 41 21		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1. The application site is a 0.05 hectares (0.12 acres) area of land The Rough and Paynters Way/ Vernons Road in Newick. The land is bound to the west by 6 Vernons Road, to the north by Nos. 53 and 55 Oldaker Road, to the east by Nos. 36-40 the Rough and to the south by 34 The Rough and 9 Vernons Road. A footpath linking Vernons Road with The Rough is aligned along the southern part of the plot.

1.2. The land is laid to grass with trees and hedges on site. The two trees are located at the entrance to the site and flanking 36 The Rough. The other Sycamore is located to the rear of number 38 and 40 The Rough.

1.3. The application site is within the Planning Boundary of Newick and in a predominantly residential area developed from the late 1960s and early 1970s. The land is not within an Area of Established Character or a Conservation Area, and there are no Listed Buildings within the site.

1.4. The land is owned by Newick Parish Council, the applicant for the planning application.

PROPOSAL

1.5. The application seeks outline planning permission for the erection of one pair of semi-detached 3-bedroom houses with integral garage. The only matters for consideration at this stage being the principle of the development along with the means of access and parking provision. All other matters are reserved for future consideration.

1.6. The plans submitted show a footprint of 2no. semi-detached dwellings set approximately 25 metres away from the properties to the north of the site and over 16 metres from those to the east. Number 6 Vernons Road would be set just 1.6 metres away from the proposed dwellings to the west. Rear gardens proposed would be approximately 10 metres deep.

1.7. The proposed dwellings would be introduced through combination of parcels 2 and 3, with the public footpath forming part of the access road or being moved a few metres to run alongside it. Five parking spaces would be set along the existing footpath.

2. RELEVANT POLICIES

LDLP: – NNPEN2 – Protection/Enhancement of Wildlife

LDLP: – NNPEN3 – Footpaths and Twittens

LDLP: – NNPH51 – HO5.1-Housing Site

LDLP: – NNPH52 – HO5.2-Housing Types assoc with H05.1

LDLP: – NNPH53 – HO5.3-Twitten assoc with H05.1

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – NNPCF2 – New Housing to Support the Social Core

LDLP: – NNPTC1 – Sustainable Modes of Transport

LDLP: – NNPH11 – HO1.1-New Housing Design

LDLP: – NNPH12 – HO1.2 -New Housing Materials

LDLP: – NNPH13 – HO1.3-New Housing Height

LDLP: – NNPH14 – HO1.4-New Housing Size

LDLP: – NNPH15 – HO1.5-New Housing Parking

3. PLANNING HISTORY

None

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Tree & Landscape Officer Comments – Recommends Condition

4.2 Two similar schemes that will result in the loss of all existing trees, including two relatively large Sycamore trees located within the site. The fate of the two principle trees should be considered 'material considerations' when determining the planning application.

4.3 ESCC Highways – No comment.

4.4 Environmental Health – no objections to the proposal but would recommend the conditions be attached to any approval.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 23 letters objecting this application have been received. The grounds for objection are:

- Historical Significance
- Contextual Significance
- Contrary to Policy
- Insufficient Information
- Loss of Open Space
- Out of character
- Overdevelopment
- Inadequate Access
- Parking issues
- Traffic Generation
- Highway Safety
- Impact upon the Twitten
- Overlooking

- Loss of Privacy
- Overshadowing
- Effect on Wildlife
- Loss of Trees
- Noise and disturbance
- Drainage issues
- Some property owners mentioned loss of rear access to their gardens

5.2 Also one letter in support of the proposed works has been received.

5.3 In addition a petition objecting this application has been received showing 112 signatures in support of retaining existing recreation use of the site.

6. PLANNING CONSIDERATIONS

6.1. The main considerations in the determination of the application include the principle of development and whether the site can accommodate the scale and type of the development proposed. The details will be reserved matters for subsequent approval, including the landscaping, scale and appearance of the development.

Principle of development

6.2. Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The development plan for this area currently consists of recently adopted Joint Core Strategy, the retained policies of the Lewes District Local Plan 2003, and the recently adopted Newick Neighbourhood Plan.

6.3. The Newick Neighbourhood Plan has been brought into legal force, forming part of the statutory development plan for Lewes District. As such, the Plan is used when determining planning applications in the Newick Neighbourhood Area, which covers the entire parish. This complies with the statutory and legal requirements and basic conditions set out in the Localism Act 2011.

6.4. Paragraph 183 of the NPPF says that "[neighbourhood] planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need". It adds that "[parishes] and neighbourhood forums can use neighbourhood planning to ... set planning policies through neighbourhood plans to determine decisions on planning applications ...". Paragraphs 184 and 185 state: "184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.

6.5. The Newick Neighbourhood Plan (NNP) identified four sites for housing - under Policy HO2, Policy HO3, Policy HO4 and Policy HO5. It was put to a referendum on 26 February 2015 and duly made by the district council on 22 July 2015.

6.6. Housing Policy HO5 set within the Newick Neighbourhood Plan relates to the application site. HO5.2 states that 'this site shall consist of a pair of semi-detached bungalows or houses, each with no more than three bedrooms'. Therefore, 2no, semi-detached 3-bedroom houses as proposed is acceptable in principle and complies with the adopted Neighbourhood Plan designation.

6.7. The adopted NNP policy HO5.3 says 'the twitten between The Rough and Vernons Road shall remain open to the public but, subject to the agreement of East

Sussex County Council, may be diverted by a few metres to the south to allow the access road to the site to run alongside it. Any changes to the existing lay-by in The Rough, that are considered necessary by East Sussex County Council as a result of the access road, shall be carried out'. Consequently, Policy HO5 provides for housing delivery, having regard to the Framework. In so doing, the Policy contributes to the achievement of sustainable development.

6.8. Nevertheless, numerous objectors consider that this seems to conflict with policy EN2, as the residents of The Rough and Vernons Road are entitled to a small piece of green space as originally envisaged.

6.9. As shown during Neighbourhood Plan preparation process, the application site was protected from use unless and until another open space was provided, but that condition was met when The Manwaring Robertson Field became available as a public recreation space. This was followed by the statement that the land is unused and could be used for the construction of one large or two small dwellings. The Parish confirmed that funds received from sale of the land could be used by the Parish Council to enhance the sports or other communal facilities in Newick.

6.10. Furthermore, the applicant claims that by way of substitute open spaces are available within the locality. The King George V Playing Field has more recently acquired the immediately adjacent Manwaring Robertson Field which greatly increases the total playing field area. A skate board facility was provided on the Manwaring Robertson Field and the children's playground on the King George V Playing Field was upgraded. Additionally, a second children's playground would be provided at the end of the new housing development at Mantell Close as shown within the adopted Neighbourhood Development Plan (NP). Finally, the ongoing development of Reedens Meadow as a SANG would also provide a further recreational area for Newick residents.

6.11. Although numerous comments suggest that the application site has been used for recreational purposes serving as a local green space, the applicant demonstrated that there are other open green spaces within the locality. As the National Planning Policy Framework states, the aim of the planning system is to deliver sustainable development. This has been carried through in the Neighbourhood Planning Regulations, which require that neighbourhood development plans contribute to the achievement of sustainable development. Moreover, the site is within walking distance of the school and shops therefore located within a sustainable location.

6.12. The Independent Examiner considered the submitted Sustainability Scoping Report and Sustainability Appraisal, as well as representations received before approving the Newick Neighbourhood Plan. It was concluded that public consultation formed an essential part of the production of the Newick Neighbourhood Plan. Consultation was ongoing and transparent, and there were plentiful opportunities for comment, with comments duly considered and reported. The Examiner was satisfied that the consultation process was significant and robust.

6.13. Notwithstanding the objections from neighbouring residents, as shown already, the development of the site with two semi-detached dwelling is acceptable in principle and would help to meet housing need whilst the loss of open green space has been mitigated by the demonstration of other available recreational grounds within the Parish.

Access and parking

6.15. There is very limited parking space at the Village Green, where most of the shops are, including the nearby Post Office, three public houses and restaurant. It is desirable, therefore, for any new housing to be within walking distance of these facilities, thus mitigating increased vehicle use for short journeys within the village.

6.16. The proposed site layout plan demonstrates provision of 5no. off-street car parking spaces. Also, the site entrance would be where the current lay-by is between Nos. 34 and 36 The Rough. Although this would result in the loss of two on-road parking spaces, the proposed parking bays 1 to 3 as shown on the submitted layout plan 18.NK.01B would be conditioned to be used by the public only.

6.17. Policy CF2 of the NNP supports the provision, or enhancement, of footpaths and the provision of play areas and/or allotments. It has regard to national policy, which recognises that supporting strong and healthy communities by providing a high quality environment forms an important part of sustainable development. This Policy contributes to the achievement of sustainable development and meets the basic conditions.

6.18. ESCC Highway Authority has commented that the applicant may have to apply to stop up part of the adopted public highway and dedicate another section of land to ensure an adopted public footpath is maintained between the two roads. This would be set as an informative.

Reserved Matters

6.20. The specific details relating to the reserved matters will be considered in subsequent applications for planning permission. The site layout plans submitted show that the site can accommodate a pair of semi-detached houses and that through careful design, loss of privacy and overshadowing of neighbours can be avoided.

6.21. Policy EN2 of the adopted NPP states that 'the protection and/or enhancement of wildlife opportunities, by retaining or providing wildlife corridors and stepping stones such as hedgerows, ditches, strips of tree planting, green open spaces with trees and grass verges to roads, will be supported'.

6.22. The Council's Arboriculture Specialist Advisor commented that this application 'will result in the loss of all existing trees, including two relatively large Sycamore trees located within the site. The fate of the two principle trees should be considered 'material considerations' when determining the planning application'. Those comments are acknowledged and would be further considered by reserved matters.

7. RECOMMENDATION

The application is recommended for approval.

The application is subject to the following conditions:

1. Details of the appearance, landscaping and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: To meet the provisions of paragraph (1) of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
2. Applications 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, and the

development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The Reserved Matters shall be in general conformity with drawing numbers R18.NK.03A, R18.NK.02A and R18.NK.01B submitted with the application hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and the character of the locality, and to create a satisfactory layout and appearance to the development with provision for safe vehicular access and off-street car parking, having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

4. Development shall not begin until details of finished floor levels and ground levels in relation to the existing ground levels and the ground floor levels of the neighbouring dwellings have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework 2012

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings excepting domestic gardens shall be submitted to and approved in writing by the Local details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of

open spaces within the development, and to enhance its setting within the immediate locality in accordance with (Insert relevant policies here).

7. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the new dwelling units hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

9. No development shall take place until details/samples of all external materials and finishes to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.

Reason: To ensure a satisfactory appearance to the development in keeping with the locality having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. Parking bays 1 to 3 as shown on the submitted proposed layout plan 18.NK.01B should be open to use by the public, whereas spaces 4 to 5 shall be associated with the residential use proposed only. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. No part of the development shall be occupied until integral garage space details have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The garage areas thereafter be retained for that use and shall not be converted or used as habitable space.

Reason: To provide adequate off-street parking for the development in the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport having regard to Core Policy 13 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. No development shall take place until details of the facilities for the storage and removal of refuse from the permitted scheme have been submitted to and approved in writing by the local

planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

15. Prior to any site clearance works necessary to implement the development hereby approved, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall provide for:

- the size of vehicles (contractors and deliveries);
- the routing of vehicles (contractors and deliveries);
- contractors' parking and Travel Plan;
- temporary site-security fencing;
- lighting;
- measures to control the emission of dust and dirt during construction;
- loading and unloading of plant and materials;
- storage of plant and materials used during construction;
- the location of any site huts/cabins/offices.

The development shall be implemented in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 Classes A to F of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. The tway between The Rough and Paynters Way/ Vernons Road shall remain open to the public, subject to the agreement of East Sussex County Council.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, policy HO5.3 of the Newick Neighbourhood Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to ST3 of the Lewes District Local Plan.

19. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.

Reason: In the interest of residential amenities of the neighbours having regard to ST3 of the Lewes District Local Plan.

INFORMATIVE(S)

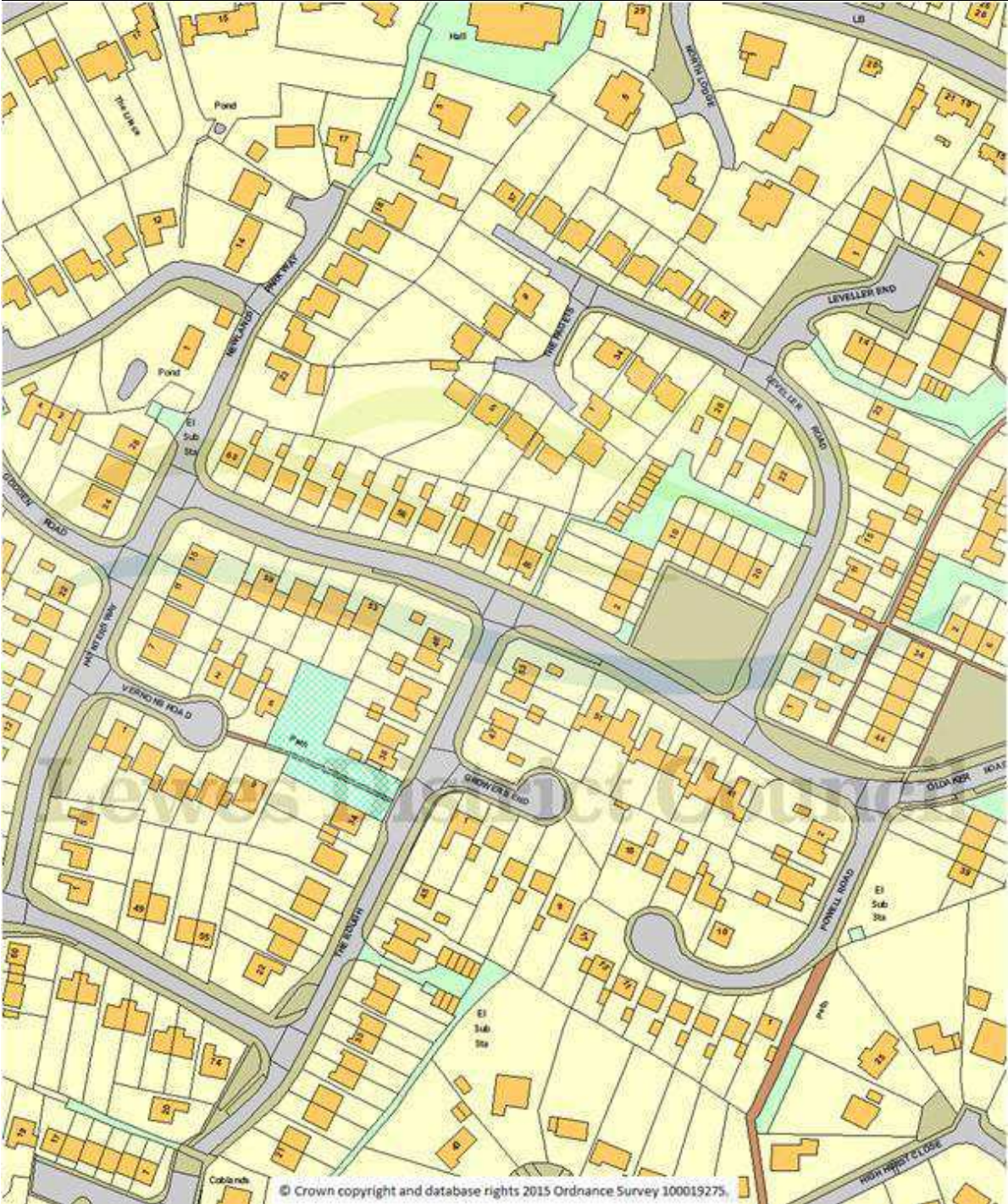
1. Please note, there should be no bonfires on site.

2. Please note that you may have to apply to stop up part of the adopted public highway and dedicate another section of land to ensure an adopted public footpath is maintained between the two roads.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	20 March 2018	R18.NK.01B
Proposed Block Plan	24 January 2018	R18.NK.02A
Location Plan	24 January 2018	R18.NK.03A

APPLICATION NUMBER:	LW/18/0080	ITEM NUMBER:	10
APPLICANTS NAME(S):	Newick Parish Council	PARISH / WARD:	Newick / Newick
PROPOSAL:	Modification of Planning Obligation for modification of agreement dated 26 April 1968 pursuant to s37 of the Town and Country Planning Act 1962 to remove restrictive covenant regarding use as a play area		
SITE ADDRESS:	Land Adjacent To The Rough And Vernons Road Newick East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1. This application is seeking to secure a modification of an agreement dated 26 April 1968 pursuant to s37 of the Town and Country Planning Act 1962, specifically to remove a restrictive covenant regarding use of the site as a play area. The original planning agreement was entered into between Scalter and others (1)-(7) and The Chailey Rural District Council, prior to the grant of outline planning permission for residential estate ref. E/66/0022B on 24 May 1968. Currently, the Newick Parish Council is the freeholder of the land under title no. ESX18330.

1.2. Schedule 2, paragraph 2 of that agreement states that 'all open spaces pedestrian ways access ways enclosures and other accommodation for pedestrians and vehicles shown in the lay-out plans for the development as may be approved by the Council on behalf of the East Sussex County Council the local planning authority and not forming part of a highway maintainable at the public expense shall remain as such in perpetuity for the benefit of the occupiers of the dwellings to be erected on the remainder of the land and shall be maintained by the Owners to the satisfaction of the Council'.

1.3. This application is to vary the original agreement to allow the designation for the site within the Newick Neighbourhood Plan to be realised, given no practical utility as public open spaces, alternative open space provisions and the adaptation of the Newick Neighbourhood Plan in July 2015.

2. RELEVANT POLICIES

None

3. PLANNING HISTORY

E/66/0022B - Outline Application for residential estate. Restrictive Planning Condition No.13.

Site of: 014 & 016 Church Road, 001-008 (inc) & 010-018 (inc) Marbles Road, 001-012 (inc) & 014-018 (inc) Powell Road, 001-009 (inc) Growers End, 032, 034, 038, 044, 046 & 045-053 (odds) The Rough, 001-007 (inc) & 009 Vernons Road, 007-011 (odds), 015 & 010-028 (evens) Paynters Way, 001 Springfields, 001-005 (inc) & 007 Godden Road, 001-012 (inc), 014-041 (inc), 043-059 (odds) & 046-068 (evens) Oldaker Road - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

None

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 18 letters objecting this application have been received. The grounds for objection are:

- Historical Significance
- Contextual Significance
- Contrary to Policy
- Insufficient Information
- Loss of Open Space
- Out of character

- Overdevelopment
- Parking issues
- Traffic Generation
- Highway Safety
- Impact upon the Twitten
- Overlooking
- Effect on Wildlife
- Loss of Trees
- Noise and disturbance

5.2 In addition to that, a petition objecting this application has been received showing 112 signatures in support of retaining existing recreation use of the site.

5.3 The Council's Solicitor response in connection with petition received:

5.4 'There is a Petition Scheme that allows certain petitions to be 'presented' to the PAC as an item on the agenda, but this does not apply when the petition is in connection with a particular planning application.

5.5 This is because a difference procedure (the Public Speaking scheme) applies. The Public Speaking Scheme is far more generous in allowing up to 3 members of the public to make representations to the committee on any particular planning application, so the parties organising the petition should not be disadvantaged in any way.

5.6 The Petition will be referred to as part of the Officers report to the committee and can be referred to by the objectors should they register to speak against the proposal.'

6. PLANNING CONSIDERATIONS

6.1. The application has been submitted on behalf of the land owner. The application is to vary the s37 Agreement dated 26 April 1968, which applied to an open recreation space associated with a residential estate built along Oldaker Road, Newick.

6.2. The Newick Neighbourhood Plan (NNP) identified four sites for housing - under Policy HO2, Policy HO3, Policy HO4 and Policy HO5. It was put to a referendum on 26 February 2015 and was duly made by the district council on 22 July 2015.

6.3. The application site is a 0.05 hectares (0.12 acres) area of land between The Rough and Paynters Way/ Vernons Road in Newick. Housing Policy HO5 set within the NNP specifically relates to this site. HO5.2 states that 'this site shall consist of a pair of semi-detached bungalows or houses, each with no more than three bedrooms'. The NNP has now been integrated into the local development plan and is therefore a material planning consideration, which will be referenced when deciding on planning applications in the future.

6.4. HO5.3 of the NNP says 'the twitten between The Rough and Vernons Road shall remain open to the public but, subject to the agreement of East Sussex County Council, may be diverted by a few metres to the south to allow the access road to the site to run alongside it. Any changes to the existing lay-by in The Rough, that are considered necessary by East Sussex County Council as a result of the access road, shall be carried out'. Consequently, Policy HO5 provides for housing delivery, having regard to the Framework. In so doing, the Policy contribute to the achievement of sustainable development.

6.5. The NPPF contains government advice to planning authorities where obligations (i.e. S32 or S106's) are proposed to be revised. The advice (in para 205 of the NPPF) is that "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled".

6.6. The Newick Neighbourhood Plan has been brought into legal force, forming part of the statutory development plan for Lewes District. As such, the Plan is used when determining planning applications in the Newick Neighbourhood Area, which covers the entire parish. This complies with the statutory and legal requirements and basic conditions set out in the Localism Act 2011.

6.7. As shown during Neighbourhood Plan preparation process, the application site was protected from use unless and until other open space was provided, but that condition was met when The Manwaring Robertson Field became available as a public recreation space. This was followed by the statement that the land is unused and could be used for the construction of one large or two small dwellings. The Parish confirmed that funds received from sale of the land could be used by the Parish Council to enhance the sports or other communal facilities in Newick.

6.8. Furthermore, the applicant claims that by way of substitute open spaces there are other available sites within the locality. The King George V Playing Field has more recently acquired the immediately adjacent Manwaring Robertson Field which greatly increases the total playing field area. A skate board facility was provided on the Manwaring Robertson Field and the children's playground on the King George V Playing Field was upgraded. Then, a second children's playground would be provided at the end of the new housing development at Mantell Close as shown within the adopted Neighbourhood Development Plan (NP). Finally, the ongoing development of Reedens Meadow as a SANG would also provide a further recreational area for Newick residents.

6.9. Although numerous comments suggest that the application site has been used for recreational purposes serving as a local green space, the applicant demonstrated that there are other open green spaces within the locality. Moreover, the NNP's Assessment of Availability of Land for Housing Development shows that the Steering Group identified possible development sites by writing, on behalf of the Parish Council, to all owners of land (other than gardens) directly abutting the current development boundary; those landowners that responded were then invited to discuss with the Steering Group their aspirations for the future use of their land.

6.10. The Independent Examiner considered the submitted Sustainability Scoping Report and Sustainability Appraisal, as well as representations received before approving the Newick Neighbourhood Plan. It was concluded that public consultation formed an essential part of the production of the Newick Neighbourhood Plan. Consultation was ongoing and transparent, and there were plentiful opportunities for comment, with comments duly considered and reported. The Examiner was satisfied that the consultation process was significant and robust.

6.11. Paragraph 183 of the NPPF says that "[neighbourhood] planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need". It adds that "[parishes] and neighbourhood forums can use neighbourhood planning to ... set planning policies through neighbourhood plans to determine decisions on planning applications ...". Paragraphs 184 and 185 state: "184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.

6.12. As the National Planning Policy Framework states, the aim of the planning system is to deliver sustainable development. This has been carried through in the Neighbourhood Planning Regulations, which require that neighbourhood development plans contribute to the achievement of sustainable development. Consequently, modification of planning agreement as proposed is considered to be acceptable.

6.13. Having considered the fact that the principle of housing development on the application site has been accepted under the Newick Neighbourhood Plan site allocation and substitute open spaces were presented, it is officer's view that the current s37 of the Town and Country Planning Act 1962 legal agreement no longer serves a useful purpose. Therefore it is recommended that this application be approved and the legal agreement is modified.

7. RECOMMENDATION

That the proposed variation of the section 32 Agreement dated 26 April 1986 be agreed, to provide residential development on the land allocated within the Newick Neighbourhood Plan.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	24 January 2018	R18.NK.06A

Agenda Item No: 11

Report Title: Outcome of Appeal Decisions from 16 February to 13 March 2018

Report To: Planning Applications Committee **Date:** 4 April 2018

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer(s):

Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>Buckles Wood Field, North Chailey, BN8 4JB</p> <p>Description:</p> <p><i>Outline application for the erection of 30 dwellings (including 15 affordable dwellings) with provision for vehicular access, parking and children's play facilities.</i></p>	<p>Application No: LW/16/0637</p> <p>Delegated Refusal</p> <p>Public Inquiry</p> <p>Appeal is dismissed</p> <p>Decision: 8 February 2018</p>
<p>Upper Lodge Roeheath, Cinder Hill, Chailey, Lewes, BN8 4HR</p> <p>Description:</p> <p><i>Two storey side extension</i></p>	<p>Application No: LW/17/0578</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 13 March 2018</p>

Robert Cottrill
 Chief Executive of Lewes District Council and Eastbourne Borough Council



Appeal Decision

Inquiry held on 30 January 2018 – 2 February

Site visit made on 2 February 2018

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2018

Appeal Ref: APP/P1425/W/17/3180632

Buckles Wood Field, North Chailey, East Sussex BN8 4JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tim Maltby against the decision of Lewes District Council.
 - The application Ref LW/16/0637, dated 25 July 2016, was refused by notice dated 24 January 2017.
 - The development proposed is the erection of 30 dwellings (including 15 affordable dwellings) with provision for vehicular access, parking and children's play facilities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Inquiry sat for 4 days from 30 January 2018 to 2 February 2018. It was then held open for the signing of a Section 106 legal agreement and for further written submissions in relation to the potential impact of the development on the Ashdown Forest Special Area of Conservation with particular regard to the likely impact of vehicle emissions on plant life. The Inquiry was closed in writing on 27 February 2018 after further evidence had been received from both sides.
3. The application was made in outline to include access, layout, and scale, whilst reserving landscaping and appearance for subsequent determination. At the Inquiry it was agreed by the parties that the scale and layout includes the access roads, the layout of the open space, and the position and external envelope of the buildings. It does not include the appearance of the building elevations or their internal floorspace layout. The submitted drawings are to be treated as only indicative in those latter regards.
4. The access details are a matter to be determined at this stage. The second reason for refusal claimed that the access on the A275 would be provided with insufficient visibility splays. At the Inquiry the parties clarified that this related not to the dimensions of the visibility splays but to concern about a lack of control over the land on the site frontage needed to provide that visibility. The Council is now satisfied that all of the necessary land is either highway land or is controlled by the Appellant and is therefore not pursuing this reason.
5. At the appeal stage the Appellants have proposed an amendment to the access whereby a section of the proposed footway on the A275 to the north of the vehicular access that would have extended to the Banks Road junction (and

which is not now supported by the Council) would be deleted. Instead a permissive path would be provided through the development between Banks Road and the A275.

6. The amended drawing Revision J also shows an additional section of footway along the frontage to the A275 between the proposed vehicular and pedestrian access points. However as the construction of that footway would require the excavation of a bank with the loss of a hedge and a risk of harm to mature trees of amenity value it was agreed that were the appeal to be allowed the footway should be deleted by use of a planning condition. There would still be available pedestrian access from the development to the proposed bus stops and to the existing footway on the east side of the A275 using the crossing points that feature in that and previous drawings.
7. Applying the Wheatcroft principles I am satisfied that, subject to that change, the minor amendments to the access arrangements would not prejudice the interests of any other person. The appeal has been determined on the basis of the amended drawing except for the deletion of that section of footway. For that reason highway safety is not a main issue for the appeal.
8. Ms Teresa Ford, the highways and transportation witness from East Sussex County Council, submitted a proof of evidence but was unable to attend the Inquiry due to illness. However neither side requested an adjournment and the questions which the Appellant's advocate would have put to Ms Ford were instead put by agreement to Mr Wright.

Policy Context

9. The appeal is required by statute to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan here includes the Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030 (2016) (the JCS), and the saved policies of the Lewes Local Plan (2003) (the LP).
10. Other material considerations here may include the National Planning Policy Framework (2012) (the Framework), national Planning Practice Guidance (PPG) and the emerging Lewes District Local Plan Part 2 (the LPpt2). The LPpt2 proposes housing development allocations in North Chailey and changes to the settlement boundary but it remains at an early stage following the publication of a consultation draft and therefore merits only limited weight. The Chailey Neighbourhood Plan is at an early pre-publication stage and is not intended to include proposals for housing development.

Main Issues

11. The main issues are considered to be:
 - The principle of housing development at this location in the countryside
 - The effect of that development on the character and appearance of the countryside and the particular effects on that character of the proposed scale and layout of the development
 - Whether development at this location would facilitate the use of sustainable modes of transport

- What effect the development may have on the Ashdown Forest Special Area of Conservation and whether any such effects can be adequately mitigated
- Whether any identified harm and associated conflict with the development plan would be outweighed by the benefits of housing provision to meet identified needs and by any other material considerations.

REASONS

Principle of Housing Development in the Countryside

12. Chailey is a large parish with several defined settlements. It is not disputed that the appeal site lies well outside the planning boundary for North Chailey as currently defined in the development plan by saved LP policy CT1. The planning boundary at its nearest point is about 1km to the south. It includes a nucleus of development around the A272/A275 junction but does not include the more dispersed housing to the north along the A275. The appeal site is thus in the countryside for the purposes of planning policy.
13. The development plan would allow the development in the countryside of affordable homes on exception sites. However JCS Policy CP1 and Saved LP Policy RES10 would only permit development of up to 14 dwellings on exception sites, all of which should be affordable. Of the proposed 30 dwellings, 15 would qualify as affordable using the definition in the Framework and there would also be 15 houses for disposal on the open market. Whilst the Framework provides at paragraph 54 that local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs, the recently adopted JCS does not make such provision in policy. The JCS has been found sound at examination. Neither does the proposal otherwise qualify as development which the development plan would support outside planning boundaries.
14. I conclude that the proposed development at this location is in conflict with the LP Policy CT1 because it is outside the planning boundary as currently defined and is not one of the exceptional forms of development that the development plan would permit in the countryside (subject to criteria).
15. The Appellant argues that saved LP Policy CT1 is out of date in the terms of paragraph 14 of the Framework. The Council does not dispute that the planning boundaries set in the 2003 Local Plan cannot accommodate the housing requirement set out in the JCS. However the JCS Inspector would have been aware of this when concluding that the JCS is sound with the current planning boundaries and that the necessary further site identification (with boundary changes) would come forward through the proposed LPpt2 and Neighbourhood Plans.
16. The Secretary of State concluded in the Wivelsfield appeal¹ that Policy CT1 was up to date in relation to that development. I acknowledge that the circumstances were different in that, by the time he issued his decision the Wivelsfield planning boundary had already been updated in the Neighbourhood Plan. That does not apply at North Chailey. Nevertheless where, as here, that boundary review is on-going, I consider that LP Policy CT1 is in effect a temporary policy to provide necessary certainty on the application of policy

¹ APP/P1425/W/16/314053

- pending the adoption or making respectively of those further development plan documents.
17. Changes to the planning boundaries at North Chailey and elsewhere are being proposed in the LPpt2 in order to accommodate the additional housing. The emerging plan is proposing one housing allocation at Layden Hall, North Chailey on a site adjoining the current planning boundary (which would then be extended to include the site).
 18. A second proposed allocation on a site at Glendene Farm would remain outside and detached from the planning boundary. However in that case a specific development plan allocation would override the conflict with the restrictive policies for the countryside. Elsewhere the adoption of housing allocations would be simultaneous with the adoption of revised planning boundaries.
 19. Those 2 sites, together with the 14 net gain in the number of dwellings at the Kings Head site in the centre of North Chailey (within the planning boundary) would make up the minimum 30 dwellings that the JCS seeks to be identified. That the Kings Head development is on a permitted site and not an allocated one is explained in the LPpt2. I consider it probable that the Kings Head site would have been allocated in the LPpt2 had a planning application not already been made and permitted. The early start on that development in advance of the LPpt2 has boosted the short term supply of market and affordable housing.
 20. I conclude that Policy CT1 is not out of date and that the conflict with that policy continues to merit the full weight to be accorded to a development plan policy. To permit the development would risk harm to the core planning principle at paragraph 17 of the Framework that planning should be plan-led. It nevertheless remains to be considered below whether there would be specific adverse impacts or benefits from the development and whether any benefits or other material considerations may outweigh that and any other conflict with the development plan and that core principle.

Character and appearance

21. JCS Core Policy 10 provides amongst other things for the conservation and enhancement of the natural environment including landscape assets by: '*1(i) Maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and characteristics of the countryside including hedgerows, ancient woodland and shaws, as informed by the East Sussex County Landscape Assessment (2016) (the CLA) and the Lewes District Landscape Capacity Study (2012)(the LCS)*'.
22. At the Inquiry the Council acknowledged that the appeal site is not directly subject to one of the development constraints (National Park, road capacity etc) that were listed at paragraph 25 of the Inspector's Report on the JCS as justifying a housing requirement figure for the district below that of the Objectively Assessed Housing Need which the Framework seeks to be met. However that is not an exclusive list of the constraints. It is also highly material to this issue that the Inspector at paragraph 31 of that Report also referred to the landscape character of the Low Weald as a constraint on development capacity.
23. The term Low Weald is on common parlance. I take the Inspector's reference to the Low Weald to apply to all of the District Council's area which is not within

the South Downs National Park, the developed coastal strip, or the High Weald AONB. The CLA uses a finer scale definition of landscape character areas. There the appeal site is part of the extensive Upper Ouse Valley Landscape Character Area and close to the Western Low Weald Landscape Character Area. But I take both sub-areas to be part of the Low Weald to which the JCS Inspector was referring.

24. The CLA describes the current condition of the Upper Ouse Valley as a: '*largely unspoilt and tranquil rural landscape with few intrusive features*' where '*the historic field patterns of small fields and significant hedgerows remain intact*' but '*Creeping suburbanisation and urban fringe pressures are evident around the towns and larger villages*'.
25. The LCS predates the CLA and has been used to inform the allocation of land for housing development in the emerging LPpt2. However it is evident that the LCS only assessed land that lies closer to existing defined planning boundaries than does the appeal site. That would be consistent with the filtering process adopted by the Council for the Strategic Housing and Economic Land Availability Assessment (SHELAA) which excluded sites that are more than 500m from the edge of the existing settlement boundaries. It follows that the LCS did not include an assessment of the suitability or otherwise of the appeal site for development.
26. The appeal site is disused greenfield land formerly in use as a smallholding for horticulture and for animal husbandry. It is open land apart from a few small ramshackle structures associated with its previous use. The site lies alongside the A275 about 1km north of the settlement boundary for North Chailey. The development would take vehicular access directly to and from the A275. There is a field hedge backed by a line of mature trees along this frontage. Across the A275 to the east, there are scattered houses or small groups of houses interspersed with open land and woodland. The area between the appeal site and the settlement boundary to the south is similarly characterised by scattered housing development interspersed with paddocks and woodland.
27. To the north is Banks Road, a narrow hedge-lined country lane. Beyond Banks Road the land falls away and there are long views northwards across open countryside towards Sheffield Park (a National Trust garden), and to Ashdown Forest which is an extensive area of heathland of international importance.
28. To the west is an area of wildflower meadow and ponds, beyond which is the recent New Heritage Way development of 71 houses that was permitted by the Secretary of State to replace former hospital buildings on a brownfield site. Beyond that development is a large area of common heathland which is a Local Nature Reserve. There is a further smaller area of common heathland to the north of the appeal site on the opposite side of the A275. There is some evidence from the site visit and photographs that deer and other wildlife migrate between these areas by crossing the appeal site.
29. The appeal site has no landscape designation and neither has it been claimed to be a '*valued landscape*' in the terms of paragraph 109 of the Framework. Nevertheless it is countryside for the purposes of planning policy and paragraph 17 of the Framework enjoins the recognition of the '*intrinsic character and beauty of the countryside*'. Neither does the development plan limit landscape protection and enhancement to only designated landscapes.

30. The Landscape and Visual Impact Assessment (LVIA) submitted by the Appellant's landscape witness predated the CLA. It seeks to define landscape character zones at an even smaller scale. The appeal site itself is the smallest defined zone. It is ascribed a low landscape value and low landscape sensitivity on the basis that it is disused and because it adjoins the recent housing development to the west which is itself assessed as of low value and low sensitivity. By contrast the area between the appeal site and the settlement boundary of North Chailey is described as '*Enclosed Weald*' and of medium value and medium sensitivity.
31. Mature boundary planting is claimed to screen views to and from the appeal site. However the LVIA acknowledges that distant views are available from the northern boundary over the high value and high sensitivity agricultural landscape to the north. I saw that the boundary trees provide little screening from the A275 and that the deciduous field hedges only provide limited low level filtering. In views from the north and east the proposed built development would be seen above the boundary hedges and below the tree canopies, allowing the adverse effect on landscape character and openness to spill out well beyond the site boundaries.
32. I consider the urbanising influence on the site of the recent housing development to the west to be overstated. Most of the adjoining part of that site is a large open wildflower meadow with reedbeds. The nearest housing is set back and away from the road. Indeed the relatively large extent of the New Heritage Way development as a whole is not obvious when seen either from the site or from adjoining roads and footpaths and it has less influence on the landscape character of its surroundings than might be expected given its large size.
33. The appeal site occupies a more prominent position adjoining the main road. Moreover, if developed as proposed it would have more influence on the adjoining areas of '*Enclosed Weald*' to the south and east than New Heritage Way has on the appeal site. Since the open buffer areas at the site edges would be reduced compared to the New Heritage Way development I consider that the adverse impact of built development on the open rural landscape character would extend further into adjoining areas on all sides (including into the high value landscape to the north) than has been assessed in the LVIA.
34. I attach little weight to the fact that the land is currently disused. It could be readily brought back into use and, if a self-contained smallholding would not be viable, then it could be let for grazing or other agricultural purposes or planted as woodland. It should then have similar '*medium*' landscape value as the many open areas of land within the '*Enclosed Weald*' area to the south, much of which is itself closely related to dwellings or groups of dwellings. If left unused then it appears likely that the appeal site would in time revert to woodland characteristic of the area and of medium or high landscape value. There are already mature and self-seeded semi-mature oak trees on parts of the site. Birch trees seem to be able to establish themselves on the nearby commons in spite of grazing by deer or other wildlife.
35. As first proposed in pre-application discussions the layout to the development would have been formally rectilinear and very urban in character. It has been revised in the submitted scheme to a more informal layout with areas of open space at the site edges and especially at the north east corner near the access.

It is not clear how these areas would be planted and managed. The indicative landscaping proposals do not include significant screen planting of the type which the CLA recommends to define the edges of some settlements. Nevertheless the form of development has similarities with that adopted at New Heritage Way. It should be generally successful in creating a sense of place that is different from denser forms of contemporary suburban development and which nods to a more informal character. That it includes terraced housing is not out of character with development in other parts of Chailey Parish that also feature short terraces. Such smaller houses would help to make some houses more affordable than would be the case if they were all detached or semi-detached properties.

36. Notwithstanding those improvements since the pre-application stage, the development would obviously be more dense and closely built-up than the scattered housing that exists to the east and south. It would be an example of the creeping suburbanisation of which the CLA warns.
37. In relation to visual impact the development would have significantly greater visual prominence than does the New Heritage Way site and it would appear incongruous in this predominantly unspoilt and tranquil rural landscape. The development would be seen from the A275, including by those travelling to and from Sheffield Park, the Bluebell Railway and Ashdown Forest which are all important visitor attractions. These locations would attract along the A275 those seeking to appreciate the countryside and who could be expected to be more sensitive to their surroundings than for example drivers making more functional journeys for business purposes.
38. The development and its adverse impacts on landscape character would also be seen by recreational (and thereby sensitive) walkers enjoying the countryside on Banks Road and on the public footpath that leads up to Banks Road from the north. Those walkers are also expected to continue through the site on the permissive path when they would be fully exposed to the site's suburban character. Whilst it may be difficult to pick out the site in longer views from Sheffield Park and Ashdown Forest, the buildings are likely to be prominent on the skyline in nearer views including from the public footpath that leaves the A275 to the north of the site.
39. I conclude that the proposed development would not maintain or enhance the natural, locally distinctive and heritage landscape qualities and characteristics of the countryside or the appearance of the countryside and that it would conflict with JCS Core Policy 10.

Sustainable Travel

40. JCS Core Policy 13 provides that development will be supported that encourages travel by walking, cycling and public transport and which reduces the proportion of journeys made by car by, amongst other things: '*1. Ensuring that new development is located in sustainable locations with good access to schools, shops, jobs and other key services by walking, cycling and public transport in order to reduce the need to travel by car (unless there is an overriding need for the development in a less accessible location)*'.
41. Paragraph 34 of the Framework seeks to ensure that: '*...developments that generate significant movement are located where the need for travel will be minimised and the use of sustainable transport modes can be maximised.*

However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas'.

42. The Framework does not define what is meant by '*significant movement*'. The Appellant suggests that the threshold should be the same as that above which a Travel Plan is required. This is because the Framework at paragraph 36 uses the phrase '*significant amounts of movement*' in that context, but again without definition. In East Sussex the County Highway Authority applies its own 80 dwelling threshold for requiring a Travel Plan. However there are other factors relevant to setting the threshold for a travel plan, not least whether the scale of development and the available funds would justify the appointment of a coordinator and be likely to result in viable measures to materially improve sustainable travel choices such as an improved bus service.
43. In this case the Appellants have suggested a travel plan for a development of only 30 dwellings, albeit with a thin package of suggested measures that would be unlikely to materially affect the choice of travel mode or to significantly improve accessibility for those without a car. It is also instructive that when the Secretary of State approved the adjacent 71 dwelling New Heritage Way development (on the basis that it replaced a hospital that would already have generated similar levels of traffic) a Travel Plan was put forward for which the principal measures have not since come to fruition. In particular: there is no travel plan coordinator; no car sharing scheme; a proposed community minibus has not been provided; an intention to provide a footway along the access road from the A275 has been abandoned; and funds intended to support these measures have been diverted to the provision of traffic signals at a primary school about 3km away.
44. In any event JCS Policy CP13(1) does not apply only to development that generates significant movement. Its aim to locate development in sustainable locations would apply to all development. That the reasoned justification at paragraph 119 provides that '*major new developments*' should help to enhance travel choices and mitigate any adverse impacts on transport does not contradict or override that objective. Major developments are not defined in the JCS and may include the appeal proposal. But in any case if a minor development is already to be sustainably located in accordance with CP13(1) then the need to enhance travel choices or mitigate such impacts will not arise.
45. The Council has acknowledged that there are high levels of car use and dependency in the Low Weald. JCS paragraph 7.118 recognises that there are accessibility issues in the Council's rural areas, in particular the needs of the elderly, the disabled, and young people in terms of accessing employment, education, health and entertainment facilities. Limited public transport is identified as a key issue and people on lower incomes are more likely to rely on public transport, as the JCS acknowledges.
46. The enhancements proposed in the Appellant's travel plan would facilitate access to school buses and to the scarce weekend bus service but would be unlikely to significantly improve access to the regular daytime bus services available centrally in North Chailey. The proposed voucher scheme may also encourage some residents to acquire a modestly priced bicycle (only 1 per dwelling) that they may use to cycle along a back road to Newick, which has some additional facilities. Recreational footpath users may choose to divert from Banks Road to walk through the estate and cross the A275 at a new

unmarked crossing but that would be unlikely to affect their choice of mode of travel. Nevertheless the inconveniently long distance to walk from the appeal site alongside a busy road to reach the centre of North Chailey (in order to access its limited facilities and bus stops) would make this an unlikely and rare choice of travel mode for anyone with the use of a car or who could obtain a lift from a member of the household. Neither would the main A roads be attractive as cycling routes. Levels of car ownership and use are thus likely to be high, as they reportedly are at the adjacent New Heritage Way development. The high proportion of affordable housing in that development does not appear to have resulted in households that are not car dependent. The same conditions are likely to occur at the appeal site.

47. The Appellant suggests that accessibility by sustainable modes would be similar at the housing sites which the Council is promoting in the draft LPpt2 but which are closer to the centre of the village. However there are key differences. In the first place both of the housing allocations in the emerging LPpt2 are within easy walking distance of the shop, pub and café, as is the Kings Head development under construction in the centre of the village. Secondly these 3 sites are in easy walking distance of the bus stops which are served by regular weekday daytime services to Haywards Heath, Lewes, Newick and Uckfield as well as the more limited weekend services. Only those limited weekend services would be available close to the appeal site and typically at inconvenient times such as on Sunday afternoon but not on Sunday morning and only on summer Sundays.
48. Also of relevance is that the relatively weak accessibility of North Chailey compared to larger settlements would have been a factor in the only modest provision for housing development in the village as set out in the JCS spatial strategy. It is acknowledged that the 30 dwelling figure for North Chailey is expressed as a minimum but the appeal proposal would double that provision. It would probably increase car movements by more than double (given the appeal site's weaker accessibility by more sustainable modes).
49. The Appellant suggests that most car trips would be short. However they would be longer than from development in more sustainable locations nearer the towns. Moreover local residents familiar with travel patterns suggest that there would be relatively long distance commuting north by car to East Grinstead and Tunbridge Wells. The Appellant's own rough estimates of the distribution of traffic indicate that half of the daily traffic movements to and from the site would traverse Forest roads in the direction of these more distant settlements. The figure may be higher as any traffic using the A26 or B2026 towards Crowborough and Tunbridge wells would also cross part of the Forest.
50. I conclude on this issue that, even allowing for its rural location, the development would not be located in a sustainable location as it would lack good access to schools, shops, jobs and other key services by walking, cycling and public transport in order to reduce the need to travel by car. Its location would be inferior in these regards to other potential rural locations for housing development such as those proposed for North Chailey in the emerging LPpt2. There is no overriding need for the development to be in a location with such poor accessibility and it would be likely to encourage long distance commuting by car. The proposal would conflict with JCS Core Policy 13 and with objectives of the Framework to locate development where the need for travel can be minimised and sustainable transport can be maximised.

Ashdown Forest

51. Planning permission was refused in part because satisfactory provision had not been made for the creation and maintenance of a Site of Alternative Natural Green Space (SANGS) in order to reduce the additional recreational pressures on the Ashdown Forest Special Area of Conservation (SAC) which could otherwise harm its protected wildlife. The Appellant has since submitted a Section 106 Legal Agreement with the Council which does make such provision and with this mitigation no significant likely adverse effect on the SAC is expected in this regard.
52. At the Inquiry I did however raise as a main issue a matter that had not previously been addressed in the parties' evidence and which related to a legal challenge previously brought against the Council and the South Downs National Park Authority (SDNPA) concerning potentially adverse in-combination effects of traffic generated by the development proposed in the JCS in respect of any additional Nitrogen Dioxide deposits on plant life adjoining roads through Ashdown Forest². That challenge had succeeded in part against the SDNPA but was judged out of time in respect of Lewes District outside the National Park.
53. Such effects are not included in the Council's reasons for refusal. Nevertheless the Habitats Regulations impose a duty on the decision-maker when development is likely to be permitted to consider whether there would be likely adverse significant effects of development in question upon the habitat including in-combination effects of more than one development.
54. Subsequent to the court's decision the Council and the SDNPA jointly commissioned a Habitats Regulations Assessment Addendum concerning the Traffic-Related Effects on Ashdown Forest SAC to support the JCS and the emerging LPpt2. The Addendum was published in September 2017 and it seeks to take into account the in-combination effects of all planned development in Lewes District as well as that in Wealden District, Mid Sussex District, Tunbridge Wells, Sevenoaks and Tandridge. In Districts where the current plan period is shorter than in Lewes District, and where the latest Objectively Assessed Need figure is higher than the adopted plan requirement, then the higher OAN figure was used in the traffic model on a precautionary basis. However the Addendum did not include an allowance for additional unplanned development such as the appeal proposal.
55. The broad conclusion of the HRA Addendum is that, in spite of anticipated traffic growth, expected improvements in vehicle emissions and background would mean that for all modelled links NO_x concentrations within 200m of the roadside would be below the critical level. It is also concluded there that on the A26 and A275 roads the South Downs Local Plan/Lewes JCS retards this improvement slightly but only within 5m of the roadside and by 0.01 kgN/ha/yr.
56. The overall conclusion of the Addendum is that no adverse effect upon the 'integrity' of Ashdown Forest SAC is expected to result from development provided for by the South Downs Local Plan and Lewes Joint Core Strategy even in combination with other plans and projects. That conclusion employs the terminology of an 'Appropriate Assessment' which would normally only be triggered where there has first been a conclusion that there would be a 'likely

² Document 26

significant effect'. Elsewhere the Addendum includes the conclusion that deposition associated with traffic from the Lewes JCS/SDNPA Local Plan would be *'ecologically insignificant.'* I take that to be a conclusion that the JCS/Local Plan development on its own would not have a likely significant effect.

57. The Addendum Report does not explicitly state that the in-combination effects of development in all the districts would not have a likely significant effect but that would seem to be the conclusion to be drawn from the report, at least at the end of the study period in 2033, if the forecast reduction in vehicle emissions by then has outpaced the growth in emitting vehicle traffic.
58. One qualification is that there would appear to be the possibility that traffic growth may come before vehicle emissions reduce sufficiently to mitigate that impact, for example if electric vehicles only become popular towards the end of the period after much of the development has already occurred in which case there would be additional, if temporary, harm.
59. An Ashdown Forest Working Group has been established that includes representatives of the relevant authorities. There is no evidence that it has agreed or endorsed the conclusions of the addendum. However the Council states that Natural England has endorsed the methodology.
60. The appeal proposal was not included in that HRA assessment. Neither were Wealden District Council or the other members of the Working Group consulted upon the application.
61. After the sitting days for the Inquiry the parties have submitted further evidence on this matter in writing. The Appellant estimates that a maximum of 90 additional vehicles associated with the appeal site (or about half of all vehicle movements) would travel through Ashdown Forest on the A275 and A22 near Wych Cross. That would represent a 0.7% increase on the 2017 base flows traffic load on the A22 or a 2.0% increase on the 2017 base on the A275. Against predicted traffic figures in the 2033 Do Something scenario the increase would be 0.6% on the A22 and 1.6% on the A275. These figures assume that all traffic turning north out of the site continues on the A275 whereas some may turn off onto other roads or reach its destination before it enters the Forest SPA.
62. No separate figure is provided for traffic that may use the A26 or the B2026 through the eastern part of the SPA towards Tunbridge Wells. However this could only be a fraction of the 15 daily movements each way through Newick that is forecast and which would include journeys towards other destinations such as Uckfield and Eastbourne that would avoid the Forest.
63. Having regard to the conclusions of the HRA Addendum the Appellant asserts that the increase (including in-combination effects) would not have a likely significant effect and may already have been accounted for under other allowances for housing development in the HRA Addendum.
64. The Council disputes the Appellant's assertions that some or all of the housing proposed in the appeal scheme would qualify under any of the allowances for housing development that were included in the HRA Addendum. The Council also considers that it is not possible to conclude on whether there would be a likely significant effect unless and until the traffic and other data had been interpreted by an Air Quality expert.

65. My own view is that it is not possible to make a definitive judgement on whether there would be a likely significant effect including in-combination effects based on the information before me. However as the appeal is to be dismissed for other reasons it is not necessary to apply the precautionary principle or to make an Appropriate Assessment.

Housing Supply

66. Paragraph 47 of the Framework provides that Local Plans should meet the full objectively assessed needs for market and affordable housing: *'...as far as is consistent with the policies set out in this Framework'*. The paragraph also requires the identification and annual update of a supply of specific deliverable sites sufficient to provide 5 years' worth of housing with an additional 5% buffer moved forward from later in the plan period.
67. The JCS has been examined for soundness including for consistency with national policy. It has been found sound notwithstanding that the plan makes provision for significantly less than the full assessed need for either market or affordable housing. This is due to the environmental and other constraints on development that have been confirmed by the Inspector who examined the Plan. In these circumstances it is appropriate that the 5 year supply of deliverable sites is assessed against the housing requirement in the adopted development plan and not against the objectively assessed need.
68. The Council's Annual Monitoring Report claims a housing supply at 1 April 2017 of 5.36 years. For the Inquiry the Council provided updated figures to 1 October 2017 with a slightly reduced figure of 5.28 years (District Wide) or 5.26 years if the National Park is excluded. Either figure would remain in excess of the minimum 5 year requirement.
69. Parts of the supply calculation are disputed by the Appellant. In particular the Appellant questions the deliverability of some unimplemented housing allocations in the 2003 Local Plan. However these have recently been reviewed and are proposed for retention in the LPpt2. The Appellant also disputes the rate of delivery within the 5 year period of several other sites namely: Newhaven Marina; Caburn Field; Land South of Valley Road; Seaford Constitutional Club; Reprodex; and Bishops Lane, Ringmer. Overall the Appellant contends that the supply figure should be reduced by 144 units giving a total supply of 1,646 dwellings and a 4.83 year supply based on a requirement for 1,703 dwellings.
70. The contribution of housing delivery to be expected within 5 years from some of these sites was already an issue at the Wivelsfield appeal 18 months ago where it seems that there was more evidence before the Inspector and the Secretary of State. The Appellant in that case was claiming only a 2.6 years supply but the Inspector concluded that there was then 5.14 years of supply. The current claimed supply reflects key conclusions of that appeal including a reduced contribution from the Valley Road site. Further time has elapsed and a different 5 year period now applies. Nevertheless the Council has supported the inclusion and delivery rates of these sites with evidence that inevitably includes a degree of judgement. The Appellant's questioning of some of the Council's evidence and assumptions expresses scepticism but few hard facts to contradict the Council's judgement. It has not significantly undermined the Council's case given also the Appellant's acknowledgement that national policy does not require a demonstration of certainty of delivery.

71. The housing supply position is marginal but I favour the Council's figures. Even were the Appellant correct that there is not a 5 year supply and that housing supply policies were consequently out of date then the undersupply would also be marginal. It would remain necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
72. I conclude on the balance of probabilities that there is a 5 year supply of housing and that the housing supply policies in the development plan are not out of date and the tilted balance within paragraph 14 of the Framework does not apply. Thus there is no presumption in favour of development.

Other Matters

73. I have taken into account all other matters raised in representations. In particular, whilst it was not a reason for refusal concern has been expressed by local people about surface water drainage matters. The planning application form indicated that surface water would discharge to soakaways. However this was queried by the County Council and further evidence was sought. The subsequent Drainage Strategy Report instead proposed a sustainable drainage system that would discharge into the existing ditch adjacent to Banks Road which also takes some drainage from the adjacent New Heritage development. There was some evidence to the Inquiry from local people of existing problems with that ditch including insufficient culvert capacity and consequent overflows onto and across the highway in storm conditions. The Council has requested a pre-commencement condition which would require advance approval of a sustainable drainage system and that would need to take account of the capacity of the ditch and culverts to accept flows from the site. Neither that nor the other matters raised outweigh my conclusions on the main issues.

Overall Conclusions

74. The adverse impacts have been set out above and they demonstrate that the development would be in overall conflict with the development plan. Whilst the tilted balance in favour of the development does not apply it remains material to consider whether there are any considerations that would outweigh that conflict. The provision of market housing and more especially the affordable housing would be a significant benefit of the scheme given the high demand for housing in the District and the high ratio of house prices to local incomes. However the identified harms are not minimal as the Appellant claims and they include harm to the landscape character of the Low Weald which is an important constraint identified by the Local Plan Inspector as part of the justification for a housing requirement less than the objectively assessed need. The site's poor accessibility, even by comparison with other parts of North Chailey, is a further significant constraint.
75. I conclude overall that the benefits of the development do not outweigh the identified harm and are not material considerations of sufficient weight to outweigh the conflict with the development plan. The appeal should therefore be dismissed.

Robert Mellor INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Atkinson	of Counsel, instructed by the Assistant Director of Legal and Democratic Services at Lewes District Council
He called	
Mr Christopher Wright	Specialist Planner, Lewes District Council
BA(Hons) MA MRTPI	
Miss Natalie Carpenter	Senior Planning Officer, Lewes District Council
BA(Hons) MA MRTPI	

FOR THE APPELLANT:

Mr Robert Williams	of Counsel, instructed by WS Planning and Architecture
He called	
Mr Spencer Copping	Planning Consultant, WS Planning and Architecture
BA(Hons) DipTP MRTPI	
Mr Robert Petrow	Managing Director of Petrow Hartley Ltd, Landscape Architects
Mr Christopher Vaughan	Principal Consultant at The Stilwell Partnership - Safety Traffic and Highway Engineering Consultants

INTERESTED PERSONS:

Mr Ken Jordan	Parish Councillor, on behalf of Chailey Parish Council
Dr John Kay	Campaign for the Protection of Rural England, Lewes District Branch
Mrs Sarah Droscher	Local Resident
Mr David Droscher	Local Resident
Mrs Elizabeth Berry	Local Resident
Mr Mike Berry	Local Resident and Director of Chailey Commons Residents Management Co Ltd
Mr Mark Evans	Local Resident
Ms Ashley Casson	Local Resident
Mr Colin Thatcher	Local Resident
Mr Medhurst	Local Resident

DOCUMENTS

- 1 Opening Statement for the Appellant
- 2 Opening Statement for Lewes District Council
- 3 Statement by Chailey Parish Council
- 4 Statement by Cllr Sharon Davy
- 5 Signed 106 Planning Obligation Agreement between the Appellant, Lewes District Council and East Sussex County Council Dated 20 February 2018

- 6 Statement by Dr Kay
- 7 Statement by Mr Evans
- 8 Statement by Mrs Berry
- 9 Statement by Mr Berry
- 10 Statement by Ms Casson
- 11 Lewes Local Plan Policy CT1
- 12 Statement by Mrs Droscher
- 13 Statement by David and Jeanne Heasman
- 14 Statement by Mrs Droscher
- 15 Extract from East Sussex Landscape Character Appraisal
- 16 Travel to work data for North Chailey in 2011 census
- 17 Letter of notification of inquiry venue and list of persons notified
- 18 Inspector's note of 31 January 2018 to parties concerning the Ashdown Forest Issue
- 19 Inspector's supplementary note to the parties concerning the Ashdown Forest issue
- 20 Drawing list agreed between the Appellant and the Council
- 21 Council's List of draft planning conditions with comments of Inspector and subsequent comments of the Council
- 22 Signed statement of common ground submitted on Day 4
- 23 Council's closing statement (except Ashdown Forest Issue)
- 24 Appellant's closing statement (except Ashdown Forest Issue)
- 25 Council's response to questions raised by Inspector on Ashdown Forest issue (received 6 February 2018)
- 26 Court Judgement: *Wealden DC v SSCLG, Lewes DC, SDNPA and Natural England [2017] EWHC 351*
- 27 Email of 8 February 2018 from Planning Inspectorate to Lewes DC and Lewes DC response also dated 8 February 2018
- 28 Lewes Local Plan Part 2 Habitat Regulations Assessment (October 2017) including:
 - Appendix A – Location of European Designated Sites
 - Appendix B - South Downs NPA/Lewes JCS Habitats Regulation Assessment Addendum - Traffic Related Effects on Ashdown Forest SAC (September 2017)
- 29 Appellant's response to Inspector's Questions in Document 18
- 30 Note from Vaughan for the Appellant concerning potential traffic impact on Ashdown Forest
- 31 Email from Wright dated 26 February 2018 commenting on Document 29



Appeal Decision

Site visit made on 1 March 2018

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

Appeal Ref: APP/P1425/D/17/3189775

Upper Lodge Roeheath, Cinder Hill, Chailey, Lewes, East Sussex, BN8 4HR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S Thompson against the decision of Lewes District Council.
 - The application ref: LW/17/0578, dated 30 June 2017, was refused by notice dated 25 August 2017.
 - The development proposed is two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at Upper Lodge Roeheath, Cinder Hill, Chailey, Lewes, East Sussex, BN8 4HR, in accordance with the terms of the application ref: LW/17/0578, dated 30 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing no. 2017-ULR-001: Existing Elevations – scale 1:100.
 - Drawing no. 2017-ULR-002: Existing Floor Plans – scale 1:100.
 - Drawing no. 2017-ULR-003: Proposed Elevations – scale 1:100.
 - Drawing no. 2017-ULR-004: Proposed Floor Plans – scale 1:100.
 - Drawing no. 2017-ULR-005: Existing and Proposed Roof Plans – scale 1:100.
 - Drawing no. 2017-ULR-006: Location Plan – scale 1:1250; Block Plan – scale 1:500.

Main Issue

2. The main issue in this case is the impact of the two storey side extension upon the character and appearance of the host building and that of the surrounding area.

Reasons

3. This property comprises a detached dwelling that was originally constructed in 1900 as a lodge to Roeheath. Whilst retaining its original frontage, it has been considerably extended to both the rear and the west side. It is located beyond the settlements of Chailey and North Chailey within open countryside. Cinder Hill is in a cutting at this point and the property is set back from the road and screened by mature trees and undergrowth.
4. National policy at Chapter 7 (Requiring good design) of the National Planning Policy Framework ('the Framework') attaches great importance to the design of the built environment. Nevertheless, Local Authorities should avoid design policies that impose unnecessary prescription or detail (paragraph 59).
5. Chapter 11 (Conserving and enhancing the natural environment) sets out the aim of protecting and enhancing valued landscape. The surrounding countryside is not within a designated landscape; neither does it fall within the South Downs National Park.
6. The Lewes District Local Plan was adopted in 2003. I note that its remaining "saved" policies are currently under review and will eventually be replaced by the Local Plan Part 2: Site Allocations and Development Management Policies DPD.
7. Policy ST3 of the Local Plan sets out detailed criteria for all new development, including the need to respect the overall scale, height, massing and layout of neighbouring buildings and the local area more generally. Policy RES13 relates to all extensions, which should complement the existing building in respect of materials and design. They should also respect the street scene.
8. Policy RES14 is appropriate in this case as it applies to extensions within the countryside. It sets out a number of criteria, including the need to ensure that any extensions do not result in loss of character of the main building. Extensions in excess of 50 per cent of the original floorspace will not normally be granted.
9. The policy makes clear that extensions constructed after September 1988 will be excluded from the calculation of the "original" floorspace. Therefore, taking into account the extension constructed in 1990 the current proposal would result in a 90 per cent increase in floorspace over that of the original building. Such an increase would be in breach of Policy RES14.
10. I have also had regard to Core Policy 11 of the Council's Core Strategy¹. This seeks to conserve and enhance the high quality and character of the District's towns, villages and rural environment by ensuring that all forms of development are designed to a high standard and maintain and enhance the local vernacular and sense of place of individual settlements.
11. I note from the appellants' grounds of appeal that a large single storey extension could be constructed at the property without the need for planning permission by virtue of the Town and Country Planning (General Permitted Development) Order 2015.

¹ The Lewes District Local Plan: Joint Core Strategy (May 2016).

12. There is a distinct possibility that the appellants could proceed to construct such an extension in the event that the present appeal fails. That alternative would be less desirable than the two storey extension the subject of this appeal, which has been carefully designed so as to reflect the original dwelling as extended by the previous planning permissions in the late 1950's and 1990's. The 'fall back' position is therefore a material consideration in my determination of this appeal.
13. In arriving at my decision I have had particular regard to the fact that the extension would largely mimic the 'west wing' in terms of its design, materials and fenestration. These factors will ensure that the appearance of the host building, which is currently unbalanced as viewed from the front elevation, would be enhanced.
14. In this regard I note that the west wing, which was constructed with the benefit of planning permission in the 1990's, has had a profound effect upon the appearance of the original small lodge as constructed in 1900. The current scheme is aimed at creating a more appropriate and balanced appearance to the dwelling as a whole.
15. The extension would be set into an embankment and, given its set back from Cinder Hill and the intervening trees and undergrowth, little if any of it would be visible from the public domain. In views from open countryside to the south the extension would be largely screened by the detached garage serving the property, which has a pitched and tiled roof.
16. For these reasons, whilst the extension would breach a strict interpretation of Policy RES14, I have concluded that the benefits of the scheme are such as to tip the balance in its favour.
17. I have therefore found on the main issue that development as proposed would enhance the appearance of the host building and not result in any unacceptable harm to the character or appearance of the surrounding area, such that it will accord with national policy in the Framework as referred to above, Policies ST3 and RES13 of the Local Plan and Core Policy 11 of the Council's adopted Core Strategy.

Conditions

18. The Council has put forward a total of three conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Planning Practice Guidance issued on 6 March 2014.
19. The materials to be used in constructing the external surfaces of the extension are specified on the approved drawings and also in Section 11 of the planning application form. They match those used in the existing building, such that Condition 2 as suggested by the Council is not necessary.
20. My reasons for the balance of the conditions are as follows:
21. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR