

Planning Applications Committee 19 September 2018



Working in Partnership



Time and venue:

5.00 pm in the Council Chamber - County Hall, St Anne's Crescent, Lewes

Membership:

Councillor Sharon Davy (Chair); Councillor Jim Sheppard (Deputy-Chair); Liz Boorman, Stephen Catlin, Graham Amy, Peter Gardiner, Vic lent, Tom Jones, Tony Rowell, Richard Turner and Linda Wallraven

Quorum: 5

Published: Monday, 10 September 2018

Agenda

1 Minutes (Pages 1 - 2)

To confirm and sign the minutes of the previous meeting held on 29 August 2018.

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/17/0593 - Asylum Wood, Greenhill Way, Haywards Heath, West Sussex**
(Pages 3 - 34)

Non-planning application related items

- 7 Outcome of appeal decisions from 19 August to 07 September 2018**
(Pages 35 - 48)

Report of the Director of Service Delivery

- 8 Written questions from councillors**

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

- 9 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 10 October 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

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; and
- 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.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording: 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.

Public participation: There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Planning department by 12:00pm on the day before the meeting.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: If members have any questions or wish to discuss aspects of any application listed on the agenda they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

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Working in Partnership



Planning Applications Committee

Minutes of meeting held in Council Chamber - County Hall, St Anne's Crescent, Lewes on 29 August 2018 at 5.00 pm

Present:

Councillor Sharon Davy (Chair)

Councillors Jim Sheppard (Deputy-Chair), Stephen Catlin, Graham Amy, Tom Jones, Richard Turner and Linda Wallraven

Officers in attendance:

Andrew Hill (Specialist, Planning), Suki Montague (Lawyer) and Jennifer Norman (Committee Officer)

65 Minutes

The minutes of the meeting held on 8 August 2018 were submitted and approved, and the Chair was authorised to sign them as a correct record.

66 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Liz Boorman and Tony Rowell.

67 Declarations of interest

Councillor Catlin declared a non-prejudicial interest in agenda item 7 (planning application SDNP/18/00908/FUL) as he was a member of Lewes Town Council's Planning Committee.

68 Petitions

There were none.

Planning applications outside the South Downs National Park

69 LW/17/0593 - Asylum Wood, Greenhill Way, Haywards Heath, West Sussex

This item was deferred to a future meeting of the Planning Applications Committee.

Planning applications within the South Downs National Park

70 SDNP/18/00908/FUL - Saxonbury, Juggs Road, Lewes, BN7 3PN

Resolved:

That planning application SDNP/18/00908/FUL for three storey rear extension to existing external courtyard to provide additional bathrooms, communal internal stair and hallway, internal and external alterations to convert existing six 1 bed flats in original house to six 2 bed flats, replacement of all existing windows in original house with double glazed windows, external works including new railings be approved, subject to the conditions set out in the report and supplementary report.

(Note: Cllr Catlin declared a non-prejudicial interest in this item as he was a member of Lewes Town Council's Planning Committee. He therefore took part in the consideration, discussion and voting thereon.)

Non-planning application related items

71 Outcome of appeal decisions from 24 June to 6 August 2018

Resolved:

That the report which detailed the outcome of appeal decisions from 24 June to 6 August 2018, be noted.

72 Written questions from councillors

There were none.

73 Date of next meeting

Resolved:

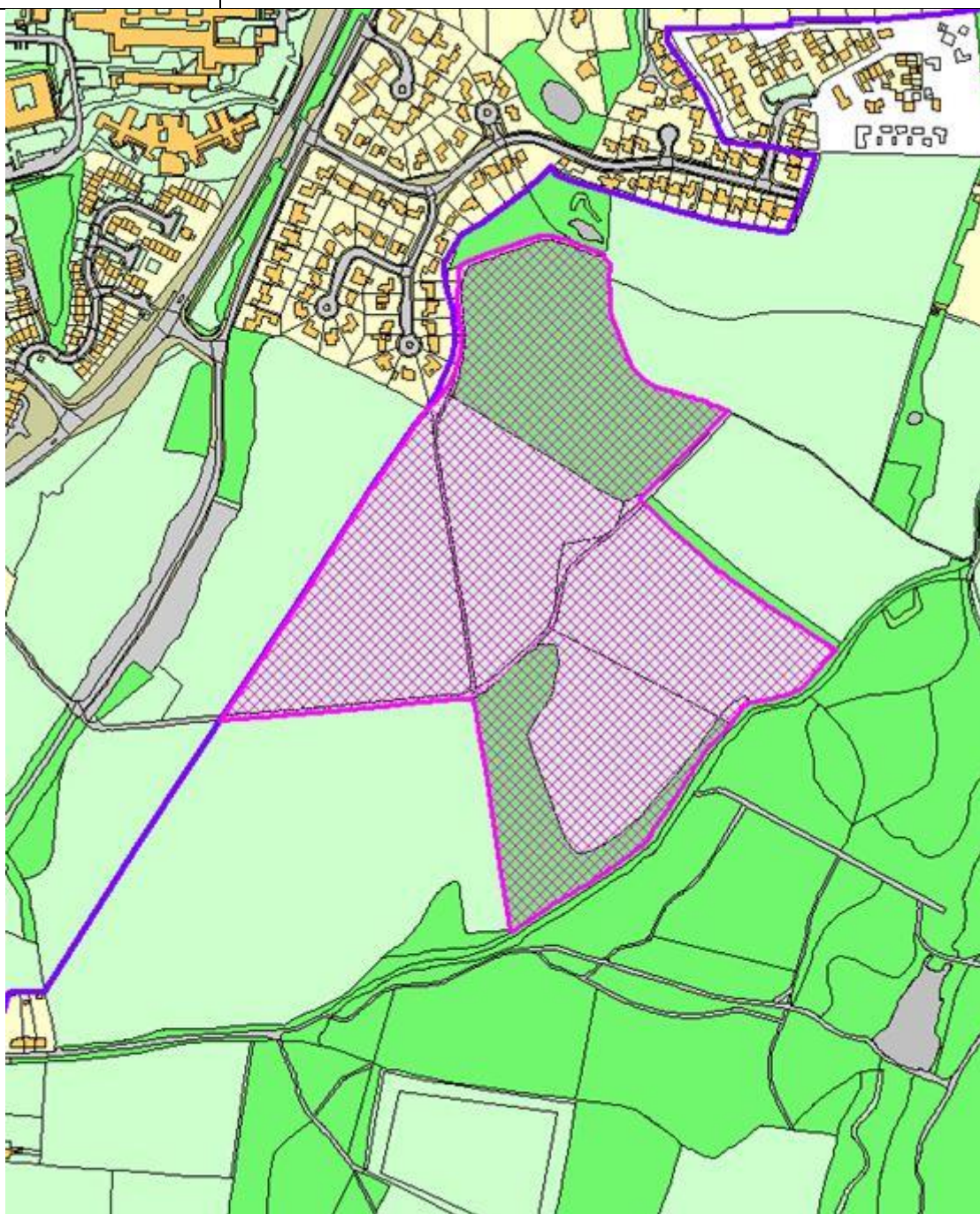
That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 19 September 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, commencing at 5:00pm, be noted.

The meeting ended at 5.15 pm.

Councillor Sharon Davy (Chair)

Agenda Item 6

APPLICATION NUMBER:	LW/17/0593		
APPLICANTS NAME(S):	Mid Sussex District Council & Cross Stone Securities Ltd	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Outline Planning Application for Outline application for the development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping - only means of access determinable		
SITE ADDRESS:	Asylum Wood Greenhill Way Haywards Heath West Sussex		
GRID REF:	TQ3422		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located in the North West corner of the district, within the parish of Wivelsfield but adjacent to the existing town of Haywards Heath. An outline application has been submitted to Mid Sussex District Council (MSDC) for a development consisting of up to 375 new homes, a two form entry primary school with early years provision, a new burial ground, allotments, country park, car parking, a 'Green Way', new vehicular accesses and associated parking and landscaping. The proposed development and site straddles the district boundary and therefore an identical application has been submitted to both authorities. The housing development is located wholly within the MSDC area. The part of the development that is located within the Lewes District Council area (and therefore the development for which planning permission is required to be sought from Lewes District Council) is the eastern area of open space, the allotments, part of the burial ground, and part of the primary school site.

1.2 The whole site (both MSDC and LDC) covers an area of approximately 33 hectares of which 12.2 ha of open space and woodland, 0.83 ha of allotments, 0.25ha (approx. one fifth) of the burial ground, and approximately 0.7ha of the primary school site are located within Lewes District. This is indicated on the submitted illustrative Masterplan.

1.3 The development as a whole would be accessed via the Haywards Heath south eastern relief road and a newly created access into the residential development off Hurstwood Lane. The illustrative plan indicates that vehicle access for the school, burial ground and allotments would be from a new access off Hurstwood Lane at its northern end and close to the link from the relief road, with a central car park serving all the uses.

1.4 The area of land which is within the LDC area consists of ancient woodland, and three fields used as pasture land. The fields are subdivided and fragmented by fences interspersed with scattered trees. The ancient woodland lies to the north, immediately to the east of Greenhill Park. The site is surrounded by pasture land to the south, ancient woodland to the south and east, and residential development of Birch Way and Greenhill Park to the north (abutting the proposed playing field associated with the new school). The western boundary is formed by a belt of mature trees, also ancient woodland, and which would serve to screen much of the new housing development from views from the east.

1.5 The whole application is in outline form with only means of access determinable at this stage. The outline application for 375 new homes and new access was considered by Mid Sussex District Council on the 9 August 2018 where it was resolved to approve subject to the completion of a legal agreement. A copy of their report can be viewed at -

<http://mid-sussex.cmis.uk.com/mid-sussex/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1868/Committee/40/Default.aspx>

or by searching application number DM/17/2739 on the MSDC website.

2. RELEVANT POLICIES

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

LDLP: – RES20 – Provision of Educational Facilities

LDLP: – RE01 – Provision of Sport, Recreation and Play

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP8 – Green Infrastructure

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – WNPP6 – Green Infrastructure & Biodiversity

LDLP: – WNPP8 – Allotments

LDLP: – CP9 – Air Quality

3. PLANNING HISTORY

LW/17/0593 - Outline application for the development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping - only means of access determinable -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Wivelsfield Parish Council – Wivelsfield Parish Council strongly objects to the above application in its current form. Whilst it does not seek to comment upon the housing element of the application (recognising that this is a preferred site within the Haywards Heath Neighbourhood Plan), it has significant reservations about the school, burial ground, allotments, parking and access.

4.2 The developer appears to have taken no account of the concerns and objections raised at the pre-application exhibition or at its meeting with the Parish Council, in respect of the location of the burial ground in relation to the school and the allotments. No-one wants their children to be constantly exposed to activities at a burial ground, or to have an allotment situated below it, knowing that water will be running off the burial ground onto their fruit and veg. The relative siting of these facilities is considered not only poor, but likely to cause upset, distress and logistical problems.

4.3 Parking also remains a significant concern. Whilst it may be desirable for people to walk their children to school, the reality is that many working parents have no choice but to take their children to school in the car before going on to work. It is not always practical for parents to simply drop and go (many - particularly younger children - need to be settled, parents may need to go into the school office etc) and parking for school events also needs to be considered. It is not considered adequate - or appropriate - to have shared parking facilities with the allotments and burial ground and the Parish Council feels that, to serve the demands of a two-form entry school, parking provision needs to be significantly enhanced.

4.4 The location of the school is also of concern. It is understood that the original intention was for the school to be situated entirely on land within Mid-Sussex. At the pre-application exhibition stage plans showed it encroaching a little on to land within Lewes District/Wivelsfield Parish, but in the plans now submitted the school appears to further straddle the boundary.

4.5 When Haywards Heath Town Council approached Wivelsfield Parish Council during the development of the Wivelsfield Neighbourhood Plan, it was to request that the area of land adjacent to Asylum wood (falling within Wivelsfield Parish) be earmarked as a

green space, for inclusion as a part of a country park. No mention was made of having a school and burial ground on it.

4.6 The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.

4.7 As discussed with the developer during a pre-exhibition discussion last year, the Parish Council has grave reservations about the proposal to shut off the centre section of Hurstwood Lane. At present, if an accident occurs on the adjacent bypass, residents living at the top of Hurstwood Lane (in the area around Greenhill Way) have the ability to access their homes by driving up Hurstwood Lane and vice-versa. Plans to massively increase the amount of housing in the vicinity, whilst simultaneously limiting access, seems a recipe for disaster.

4.8 At our meeting with the planners, it was suggested - in response to this concern - that a route through the middle of the new housing might be able to be retained as emergency access in the event of a problem on either approach road (owing to the number of documents associated with the application online, we have been unable to verify whether this was carried forward to the plans). However, residents need to know that there are alternative routes available, simply for when traffic is heavy or a delivery van is causing chaos, not just when there is a recognised 'emergency' or road closure.

4.9 Overall, the Parish Council feels that the developer has failed to address a number of serious and legitimate concerns regarding the school, burial ground, allotments and access which should be dealt with prior to approval being considered.

4.10 British Telecom – I write in response to your letter dated 19 August regarding the above and confirm that I have been unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated. Please be aware that this advice does not extend to BT's telecommunications apparatus located in the public highway or under private land, nor does it include BT's deep level tunnels. To check the location of BT's network, enquiries should be made direct to the Openreach Maps by Email Service which can be found at the following URL: <http://www.openreach.co.uk/orpg/home/contactus/avoidingnetworkdamage/avoidingnetworkdamage.do>

4.11 Environmental Health – I am aware that a Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016) prepared by Waterman has been submitted with the planning application. The report recommended further intrusive investigation at the site.

4.12 So, if LPA is minded to grant a planning permission for the site, then this should be subject to the following land contamination conditions-

Condition 1 Land contamination

4.13 (1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016) already submitted to provide further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2 Unsuspected contamination

4.14 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.

Condition 3 Verification report

4.15 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

4.16 Reason (for all) : To ensure that risks from any 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 Planning Policy Framework, sections 120 and 121].

4.17 Sussex Police – No objection to the principle of the development.

4.18 Southern Water Plc – In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

4.19 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.

4.20 Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable." The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
Specify the responsibilities of each party for the implementation of the SUDS scheme
Specify a timetable for implementation
Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

4.21 Tree & Landscape Officer Comments – No objection but need to secure a detailed management plan for the open space and woodland by condition.

4.22 Natural England – Natural England has no comments to make on this application.

4.23 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Other Advice

4.24 Ancient woodland and veteran trees
Lunatic Wood, Hursthouse Lane Wood, Standing Wood, Asylum Wood - Ancient & Semi-Natural Woodland are all within the area and Ancient Woodland abuts the development area at the top of Colwell Lane. You should consider any impacts on ancient woodland and

veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory <http://publications.naturalengland.org.uk/map?category=552039> which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences-for-planning-authorities-in-relation-to-ancient-woodland-and-veteran-trees>. It should be taken into account by planning authorities when determining relevant planning applications.

4.25 Protected Species

Natural England has produced standing advice <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

4.26 ESCC SUDS – No objection in principle subject to the imposition of conditions.

4.27 We are disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals. The submitted Flood Risk Assessment does not provide details of the proposed surface water drainage strategy apart from stating that surface water runoff will be discharged at the mean annual runoff rate (Q_{bar}) while providing attenuation for the 1 in 100 (plus 40% for climate change). The indicative surface water drainage plan indicates that underground tanks will be used to store surface water runoff from the majority of the site.

4.28 The surface water drainage strategy should clearly state the discharge rates from the proposed development and also provide supporting hydraulic calculations to confirm that the discharge rates and storage volumes proposed are sufficient and will not result in increased surface water flood risk. The hydraulic calculations should show that the area on which the discharge rates are based is the developable area, and not the overall site area. This is because the majority of the site within Lewes District will remain as existing, whereas it is only where development is proposed that the rate and volume of surface water run off will change.

4.29 The surface water drainage strategy should clarify at this stage whether underground tanks or ponds will be used for storing surface water runoff. This is because the two have very different implications for land take on the site, and the storage structures will form part of the infrastructure that should also inform the layout at reserved matters. In addition if the underground tanks are supposed to discharge to shallow ditches, they might not be able to achieve the required levels to discharge by gravity. We would expect a drainage strategy that supports an outline application to clearly show the outfalls and demonstrate that the required levels will be achieved for a gravity connection.

4.30 It would be preferable if the storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future, We appreciate that the majority of the proposed development is located within the Mid-Sussex District part of the site, therefore it is likely that the above issues were discussed

with Mid-Sussex District Council and West Sussex County Council. However, the site discharges its surface water runoff into East Sussex. Therefore we need to be assured that the development will not result in increased flood risk downstream. Since the majority of the development is within Mid Sussex District, identical comments to those above have been submitted directly to Mid Sussex District Council.

4.31 NHS Mid-Sussex/Horsham – Horsham & Mid Sussex Clinical Commissioning Group were aware of this Outline Planning application which will potentially create up to 849 new residents/patients in a rapidly expanding area where Haywards Heath has seen significant growth of domestic houses/flats particularly on its outskirts. This is putting a number of challenges onto the NHS locally and especially on GP practices and community NHS services where pressures are being felt and that building redesign is becoming a current necessity to ensure new residents can be accommodated without diluting the services to existing patients.

4.32 In this respect we understand from Mid Sussex District Council that the majority of this proposed development is in West Sussex and have today sought a Section 106 application for a developer contribution for NHS capital infrastructure improvements.(MSDC are still using the Sec 106 process rather than CIL)

4.33 We hope that will be approved and were very pleased to have received a courteous enquiry from the developers back in Dec 2016/Jan 2017 in this connection.

4.34 ESCC Highways – Comments to MSDC on the substantive application:

4.35 The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

4.36 As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network. The Transport Assessment addresses the impact of the development on the surrounding highway network within West Sussex. However, as flagged up by West Sussex highways it does not reflect entirely the committed development or potential commitments nearby in both West and East Sussex. LW/16/0057 Land West Of Rookhurst House Colwell Lane North Wivelsfield for 113 houses (2 phases) is not included, nor is North Common Road Wivelsfield [LW/13/0720] for 75 houses, and combined traffic impact that the additional traffic will have on nearby villages and in particular on the mini-roundabout junction of B2112 (Ditchling Road)/C6 (Green Road) in Wivelsfield. Therefore the cumulative impact on the surrounding roads/junctions of these developments upon East Sussex is not known and should be identified in terms of the impact and severity.

4.37 With regard to modelling of the development and future growth predictions, it has been identified in the response from West Sussex that this should include a revised scope to be agreed, so that all relevant development is included and have a realistic growth forecast year.

4.38 The development proposed for the Lewes District administrative area of the site is part of the primary school, part of the burial ground, informal open space and allotments. The catchment for these land uses will likely be from Haywards Heath. The road layout to serve these is likely to fall between both West and East Sussex and being layout related, is a reserved matter. The site layout would need to be in accordance with Manual for Streets and would be subject to a section 38 agreement if offered for adoption.

4.39 Parking for the area within the Lewes district area should accord with the parking standards of West Sussex to safeguard any overspill of parked vehicles from the school, burial ground, allotments and open space onto the West Sussex network. Parking provision could be provided within a community car parking area that can be shared between the school, burial ground, open space and allotments. This would be efficient use of space as the busy periods for each use would not necessarily conflict, provided there are a sufficient number of spaces for the long term requirements (staff). It is unclear at this stage if the school drop off area/parking is within Lewes or Mid Sussex district or if the administrative boundary is likely to be revised

4.40 There is the presence of a by-way (no.25) bounding the south-east boundary of the site, land within Lewes District. It is not entirely clear if this within the site boundary, but the PROW team at ESCC should be consulted, particularly if there are connections being proposed internally within the site. It would appear that 3 positions are shown on the illustrative masterplan.

4.41 The vehicular access is within the county of West Sussex and should be considered by the appropriate authority in terms of safety, capacity and accessibility to other modes of travel for serving development within Lewes District or connecting with roads to be adopted as part of the East Sussex Network.

4.42 District Services – The concerns for the Waste Service regarding the above planning application, the layout of the estate would need to be such as to facilitate collection of refuse from the front of the properties at the kerbside and also access to the proposed schools for the collection of waste without causing unnecessary risk to the users of the schools.

4.43 There maybe a case for communal bin stores for the use of residents in closes to facilitate more efficient collections.

4.44 Waste services would also request updates on the progress of the application so we would be able to plan sufficiently for the development of this size .

4.45 West Sussex County Council – The main issue is that of capacity on the Haywards Heath relief road but specifically at the Lewes Road Roundabout. At the outset, I would highlight that Stage 6 (Lewes Road to Wivelsfield Road) has been opened to traffic for a number of years (since 2013 I understand) and the relief road as a whole opened in July 2015. The road was therefore available for use for nearly a year ahead of the traffic surveys being completed for the Hurst Farm development. The surveys were undertaken in accordance with current best practice.

4.46 The traffic modelling is also completed for a future year whereby the proposed development is anticipated to be fully occupied. The future year scenario includes all other nearby permitted residential developments, including those at Greenhill Way, Rookery Farm, The Beeches, as well as those in Lindfield and at Penland Farm. A background traffic growth rate has also been applied. This accounts for the general increase in car ownership as forecast by the National Traffic Model. The traffic flows (including those derived from surveys of the existing network) used in the modelling are taken as being robust. Trip generation from the development itself has been derived using the same data accepted for DM/16/0402.

4.47 Looking at the photos submitted, traffic is queuing heading eastbound on the B2272 into Haywards Heath. The issue is therefore not being created by the proposed traffic signals, the Lewes Road Roundabout or for that matter the development. The issue

appears to be resulting more from the weight of traffic using the B2272 into Haywards Heath. This in turn is resulting in queuing traffic and junctions becoming blocked. This supports the modelling work within the assessment that indicates the Lewes Road Roundabout is forecast to operate within capacity in the assessment years. The County Council remain satisfied that the modelling of the proposed traffic signals would also work within theoretical capacity. It's accepted that this is a limitation of the modelling in that this views the junctions as standalone elements that cannot account for queuing back from other junctions. However these still demonstrate that the capacity issue is not resulting from the roundabout itself.

4.48 Whilst the existing traffic situation is noted, under the National Planning Policy Framework, the development can only be required to ensure that the residual cumulative impacts of the development are not severe. The development cannot be required to resolve existing short fallings in the highway network. The County Council accept that the development will result in additional traffic at peak times and these will add to queues and delays. Comparing the with and without Hurst Farm scenarios, it's considered that the development would not result in a severe capacity impact.

4.49 With respects to the departures from design standard, the standards in question are not enshrined in law. As such the non-compliance is not unlawful. It is an accepted principle that in some instances it is not possible or even desirable (for reasons of cost or environmental impact for example) to fully comply with the design standards within the Design Manual for Roads and Bridges. The applicant has applied in the appropriate way to the County Council to review the non-compliance of design standards for two elements of the development. The County Council is in discussion with the applicant in progressing these departures. The Stage One Road Safety Audit is also based upon the design as submitted with the planning application that includes the departures. This has not raised any safety issues with the design as a consequence of the non-compliance of standards.

4.50 The County Council has identified it's suggested approach to determine the level of contributions in its most recent consultation response. The contribution is to be used towards those measures within the Haywards Heath Town Centre transport study. The nature of some of the works within this is to make the route through the town centre less attractive and to encourage the use of the relief road.

Further comments -

4.51 With regards to the objections regarding the modelling, WSCC Highways have been asked to comment. They have responded that the modelling work (including data collection) has been completed in accordance with current best practice and guidance. Industry accepted modelling packages have also been used. The approach applied within the transport assessment reflects that used within other permitted developments in this local area.

4.52 The appropriate test is that within paragraph 32(now 109) of the NPPF, this being the that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development cannot be held accountable or required to resolve existing traffic issues. Whilst there is no definition of severe within the NPPF, the views of the Planning Inspectorate in recent appeal decisions gives more weight to demonstrable highway safety issues resulting from developments rather than increased queues and delays for drivers. On the basis of the mitigation proposed (those highway works to be delivered by the development and a contribution towards wider improvements proposed by WSCC), WSCC remain satisfied that the development in principle will provide safe and suitable access for non-motorised road users and not give rise to any residual severe impacts as required by the NPPF.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 A total of 35 objections have been received at the time of writing the report which can be summarised as raising the following issues and concerns -

Huge changes and increase in traffic locally, ill thought out road plan, proposed road junctions need to be reviewed, causes congestion at peak times, reduce safety, significant road blockage, build a roundabout at the junction of Old Farm Close and A272, inadequate parking for the school, inappropriate location for a burial ground, process deceptive to residents, proposed changes to road layout are flawed, inadequate data and analysis on traffic volumes and air quality, inadequate road network to support the development, inadequate parking within the town, insufficient infrastructure to support the development, severe traffic congestion already, contamination from water runoff from the burial ground, new housing already being built in the area will compound traffic issues, unsustainable and cannot support the intended number of houses, doesn't balance the needs of Mid Sussex and Lewes residents, access onto the relief road is dangerous and putting more vehicles onto the road will compound safety issues and congestion, devalue property prices, the council is seeking permission from its own planning authority to allow it to proceed with its own development and is therefore not a transparent process, large development being shoehorned into an already creaking town and infrastructure, lack of visible traffic counting equipment, junctions already at capacity, poorly advertised, impact on air quality and pollution, impact on listed building, inadequate parking for the school and sharing with the burial ground, impact on protected woodland, lack of footpaths for pedestrians, traffic modelling failed to take account of existing congestion and is therefore flawed, backlog at southern end of Hurstwood Lane, wrong to give priority to school traffic over residential, MSDC decision made without due regard to traffic issues, traffic already queues at the A272 roundabout, this will be made worse by the development, a workable and sustainable solution needs to be found to the traffic situation, ethical and conflicting concerns of applicant and landownership, inadequacy of traffic modelling, failure to declare MSDC's ownership and role in the development, impact on the listed building, impact on the rural character, noise and disruption, impact on amenity, collusion between councils, access from Fox Hill especially increased congestion and hazards, inadequacy of traffic modelling leading to unsafe and unsustainable access for the school. contrary to policy, unsustainable location, detrimental impact on ancient woodland, lack of regard for existing residents, contempt for residents, numerous grounds to refuse, too much meddling, ludicrous access arrangements, increased danger to pedestrians.

5.2 Two letter of support, appreciating that there will be increase difficulty in joining the A272 at peak times but this will be minimal, supportive of the proposals especially the new school, no objection to the new school or housing but objects to worsening traffic issues

5.3 A further 4 representations have been received, not opposed to the principal of development but to the traffic aspects, and that the development needs to consider how short term parking will be controlled especially at school start and finish times.

5.4 Full details of all representations are available to view on the website.

6. PLANNING CONSIDERATIONS

6.1 For cross boundary applications the NPPG states that 'if an application site is on land that falls within the boundary of more than one local planning authority then identical applications must be submitted to each local planning authority identifying on the plans which part of the site is relevant to each'. Therefore, whilst being mindful of the entire application, the only elements that the Planning Committee are making a decision on are

the allotments, part of the burial ground, part of the school, and the informal open space - it is those elements which are located within the LDC administrative area and are in outline form with the principle of developing the site for these purposes being sought.

Principle of development

6.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,
- b) And local finance considerations, so far as material to the application, and
- c) Any other material considerations."

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of the development is Lewes District Local Plan Part 1 Joint Core Strategy (which includes saved policies from the Lewes District Local Plan) and the Wivelsfield Neighbourhood Plan.

6.3 The recently published and amended NPPF at paragraphs 2 to 14 sets out the core principles which include the aim of Achieving sustainable development, that planning should be genuinely plan led, and applications determined in accordance with the development plan(s) unless material considerations indicate otherwise.

6.4 In terms of that part of the site which is within the LDC area, this is covered by the Lewes District Local Plan and the Core Strategy. It is considered that Core Policy 8, which relates to Green Infrastructure, seeking to create a connected network of multifunctional green infrastructure by protecting and enhancing the quantity, quality and accessibility of open spaces, Core Policy 10 seeking to protect the natural environment and landscape character, and Core Policy 11 which seeks to secure high quality design in all places to assist in creating sustainable places are the most relevant policies in this instance.

6.5 The local plan policies which are also relevant include ST3 (design of development), RES20 (provision of educational facilities), RE1 Provision of Sport Recreation and Play, and CT1 which seeks to locate development within planning boundaries and to avoid development in the countryside which does not need to be there.

6.6 The Wivelsfield Neighbourhood Plan (WNP) has a number of specific policies which are relevant. Policy 6 relates to Green Infrastructure and encourages the enhancement of the natural environment and the provision of additional habitat resources. Policy 8 supports the establishment of new allotments provided satisfactory road access and car parking can be provided.

6.7 It should also be noted that the Haywards Heath Neighbourhood Plan (HHNP) which covers that land which is within the MSDC area includes specific policies for allotments and a new burial ground (Policies E3 and E4) on land east of Hurstwood Lane. Policy H1 allocates the larger site for up to 350 new homes, the provision of a new school, together with open space, a burial ground and allotments. The plan also lists a number of other more specific requirements which should be set out in the Masterplan and delivery statement. In summary the proposals are in broad compliance with the HHNP policy.

6.8 The site is situated outside of a defined settlement boundary. The only built development that is proposed within LDC area is part of the car park and part of the school. Whilst both elements would be contrary to Policy CT1 of the LDLP in that they are located outside of a defined settlement boundary, these elements are however included in the larger site which is set out in the HHNP for the whole mixed development scheme. It is considered that the built elements of the proposal are contrary to adopted LDC Local Plan Policy, but the application as a whole needs to be considered against all material considerations.

Need

6.9 An assessment of developments with planning permission and those planned as part of the development plan process in the MSDC area indicate that by 2021 that there would be a shortfall of 608 primary school places. As part of a wider strategy to provide sufficient school places in the right locations to cater for the increased demand, it was proposed to identify a site for a new primary school on the southern edge of Haywards Heath and that the Hurst Farm site was a key proposal in the delivery of such a facility. The school would accommodate up to 420 pupils and a 50 place early years facility. It would have 22 dedicated staff parking spaces. In 2016, following a consultation exercise carried out in 2015, West Sussex County Council (WSCC) identified a clear need for a two form entry school with early years provision, and Hurst Farm was named as the preferred site for a new school, with expansion plans for other schools in the vicinity. This site was chosen due to it being available and deliverable.

6.10 In terms of the allotments, there is a lengthy waiting list for available plots. This proposal would provide 0.8ha of new allotment space, which in a countryside location would be an acceptable land use.

6.11 The existing burial ground in Western Road has limited capacity and therefore a further ground is required. Policy H1 and L3 of the HHNP sets out the need for such extra capacity, and the submitted Masterplan makes provision for a 1.25ha site of which approximately 0.25ha is within Lewes District.

6.12 The informal open space to the east of the site will require little intervention or alteration. However it will formalise the use of the land, which residents already utilise, helping to provide additional public open space as set out in Policy H1 of the HHNP and Policy 7 of the WNP.

Impact on the countryside

6.13 As the scheme is in outline form there are no detailed plans of the proposed school. However it is indicated on the Illustrative Masterplan to be located approximately 100m to the south of the rear garden boundary to Greenhill Park and Birch Way. The indicative plan shows a linear building aligned on an east-west axis. Between the building and the residential properties is the school playing field. The car park to serve the school, burial ground and allotments is shown located to the south of the school.

6.14 In terms of wider impact there are no ROW crossing the site. The nearest is a byway, which is located approximately 500m to the south, is partially screened by existing vegetation. The site is also largely screened from the west by an existing belt of trees and vegetation. Whilst the outlook south from existing dwellings will be altered it is not considered that the location of the school or the car park would detrimentally impact on the wider character of the surrounding countryside. Thought would have to be given to the form of the building, especially glazing on the south elevation. To lessen the visual impact, details plans of landscaping to break up the mass of the building and the visual impact of cars being parked for long periods would need to be submitted.

6.15 The allotments will not have a significant visual impact in itself. However the structures that often appear on such areas, sheds for the storage of equipment and shelter, can proliferate. However, due to the location of the site, and the clear open space to the east which will act as a significant buffer, it is not considered that this would have a detrimental visual impact on the countryside. Any visual impact could be significantly lessened with a good landscaping scheme and boundary hedges around the periphery of the site.

6.16 The burial ground will be noticeable. However, a suitable landscaping scheme would lessen any visual impact and help the facility to integrate into its surroundings.

6.17 It is acknowledged that, as with any change, there will be some impact from the proposed development on the wider countryside. However when taking into account all material considerations including policy, need, form and location, it is considered that the location, close to the edge of settlement is broadly acceptable, and that with suitable landscaping and planting the wider impact of the buildings and uses would not significantly harm the wider and surrounding character.

6.18 In terms of the long term management of the wider public open space, the applicant has indicated that the land will be provided to the Town Council (Haywards Heath) who as the owners will be responsible for the delivery and maintenance. The car park will also be signed over to the Town Council as it will be a shared car park for the burial ground, allotments, open space and school. They will also be responsible for its maintenance and management.

Ecology/Woodland

6.19 With regards to the elements that are located within the Lewes District it is considered that there is little direct impact on existing trees or woodland. The greater concern is with regard to the future of these areas once they become more accessible to the public as a result of designating them as part of the open space. Therefore it is considered that a detailed management plan is required, clearly setting out the management regime for the area, including who would be responsible and liable for the work, and a schedule and frequency for the long term management in perpetuity.

6.20 However, the access to this part of the development is situated within MSDC and WSCC area and would result in the loss of a small area of ancient woodland as a result of creating the access into the eastern part of the wider development site to the school. Having regard to the guidance in the NPPF, it states that such loss should be wholly exceptional and the public benefit would need to clearly outweigh the loss or deterioration of habitat. In this case it is considered that the benefits of delivering the school, allotments, burial ground and country park on a site allocated for these purposes in part of the development plan amount to wholly exceptional reasons justifying the loss of a small part of ancient woodland.

6.21 It is for Lewes District Council to reach its own view as to whether or not there are wholly exceptional reasons for permitting the loss of ancient woodland in this instance. However it is relevant that when considering the same application, MSDC accepted that the loss of ancient woodland is clearly a negative factor that weighs heavily against the application. However they considered that there were wholly exceptional reasons for permitting the loss of ancient woodland in this case:

- 1) The proposed loss of a small area of ancient woodland
- 2) The area of ancient woodland lost is the least diverse section of the woodland concerned
- 3) There is considered to be no alternatives that would generate less harmful impacts
- 4) The site is required to deliver a development that is allocated in a Neighbourhood Plan.
- 5) The Neighbourhood Plan policy requires the closure of part of Hurstwood Lane to vehicular traffic. In order to achieve such a closure for a meaningful length of the road to provide a green way. It is necessary to cross the ancient woodland to access the eastern side of the site at the proposed point.
- 6) Accordingly there is no alternative to the loss of some ancient woodland if the Neighbourhood Plan policy requirements are to be fulfilled. Although the NPPF is an important material consideration, the development plan including the Neighbourhood Plan remains the starting point (see paragraph 12 of the NPPF).
- 7) The permission will secure a suitable compensation strategy.

6.22 Having regard to the guidance in the NPPF, it was also considered by MSDC that the benefits of delivering the school, allotments, burial ground and country park on a site allocated for these purposes in the part of the development plan, and the need to occasion the loss of some ancient woodland to give effect to the Neighbourhood Plan and deliver the benefits of the allocation, clearly outweigh the loss of this relatively small area of ancient woodland. Whilst replanting is unlikely to fully compensate for the loss of ancient woodland it would still be a positive proposal that can be secured by a suitable planning condition, and it amounts to a suitable compensation strategy. Again, Lewes District Council must reach its own view as to whether or not the above benefits outweigh the loss of this relatively small area of woodland.

6.23 In terms of the wider site within the LDC area, this land and the woodland is already used for informal recreation by local residents and therefore it is not considered that formalising this use would significantly impact on existing flora and fauna, or the character of that area.

6.24 The new school, as a built form and change to the character of the land could impact on the foraging range of badgers and other creatures. However as the built form and that of the car park represents a small portion of the overall site it is not considered that there would be a negative impact on the flora or fauna across this part of the site. Landscaping, that would be the subject of a condition, together with mitigation measures have the potential to enhance the wider ecology of the site.

6.25 The applicants have stated that the management measures for the newly created and retained woodland within the application site will be included within a Biodiversity Management Plan. It is suggested that with such measures in place the future management of ancient woodland within the site can be properly controlled. Any subsequent reserved matters application for the detail of the layout within the site would need to take account of the ancient woodland so that the requirements of any Biodiversity Management Plan can be met.

Traffic and Parking

6.26 The NPPF and associated policies indicate that planning permission should only be refused where impacts are severe or unacceptable, for example in terms of safety, amenity or volumes of traffic. The development as a whole (including that outside LDC's area) is likely to generate significant increase in the volume of traffic using the surrounding road network. However this is largely going to be attributed to the housing part of the development, which was considered by MSDC and WSCC. The Highways officers from ESCC have commented on this aspect of the application directly to MSDC.

6.27 The traffic generation associated specifically with the school is likely to be relatively low, peaking at both morning and afternoon at dropping off and collecting times. The application is also accompanied by a Framework School Travel Plan. This outlines measures that could be taken to seek to reduce reliance on the private car. Again, such a Travel Plan can be secured by a planning condition. The allotments are more likely to generate vehicle movements outside of peak times, and the burial ground is envisaged to accommodate at least two burials per week. The times of operation can be conditioned to avoid peak school pick up and drop off times. Therefore it is not considered that traffic generation or road capacity is likely to be a fundamental issue or lead to unacceptable impacts for these elements alone, although it is likely to add to that generated by the housing development itself.

6.28 The greater issue is likely to be broad safety issues. This is an issue that has been raised by local residents as part of the consultation and prior to the submission of the application. As a result a number of improvements have been proposed, which are outside the scope of this part of the application, but which include extension to the 30mph limit (possibly down to 20mph) on Hurstwood Lane, controlled crossing points south of the school access, new footway along the southern end of Hurstwood Lane, new signal junction at Old Farm Close/A272.

6.29 In terms of pure functionality it is important that the proposed car park is sufficient for all the vehicles that may wish to use it. The Masterplan suggests parking provision would be provided in a single car park, which would be used as a community car park, shared between the school, burial ground, open space and allotments. This would be an efficient use of space, and as mentioned previously, conflict between users would largely be avoided as the busy periods for each use would not necessarily coincide. However it is essential that the car park provides a sufficient number of spaces to meet all the requirements, and is also laid out and landscaped to minimise its visual impact on the surroundings.

6.30 With regards to the objections regarding the modelling, WSCC Highways have been asked to comment and have responded that the modelling work (including data collection) has been completed in accordance with current best practice and guidance. Industry accepted modelling packages have also been used. The approach applied within the transport assessment reflects that used within other permitted developments in this local area.

6.31 The appropriate test is that within paragraph 109 of the NPPF, this being that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development for which LDC is being asked to grant permission cannot be held accountable or required to resolve existing traffic issues. Whilst there is no definition of 'severe' within the NPPF, the views of the Planning Inspectorate in recent appeal decisions gives more weight to demonstrable highway safety issues resulting from developments rather than increased queues and delays for drivers. On the basis of the mitigation proposed (those highway works to be delivered by the development and a contribution towards wider improvements proposed by WSCC), WSCC remain satisfied that the development in principle will provide safe and

suitable access for non-motorised road users and not give rise to any residual severe impacts as required by the NPPF.

6.32 Whilst the Lewes District application in the main is dealing with open uses of land, it does have part of the new primary school, which is likely to generate large numbers of vehicle movements during the morning peak (and prior to the afternoon peak) which will combine with other traffic on Hurstwood Lane. Therefore it is considered relevant to consider and be aware of the issues considered in the MSDC committee report and the comments from WSCC Highways in relation to the wider traffic implications of the development as a whole.

6.33 The MSDC report states that objectors have raised the concern that with the additional development taking place within Lewes District Council at the end of Greenhill Way and Ridgeway, there will be nearly 278 dwellings that will all have to access the revised junction with Hurstwood Lane and this will result in a cul-de-sac that they will not be able to exit at peak times. Concerns have also been raised that the modelling used for the application is flawed because the model assumes free flowing junctions whereas this is not currently the case at the site at peak times. Criticisms have also been made about the data that has informed the model; in particular that the baseline traffic figures have been taken from a period in time when the A272 was less well used than it is now.

6.34 West Sussex County Council, in their role as the Highway Authority, has assessed all the information that the applicants have provided in relation to highways matters. Their comments to MSDC for the MSDC application in relation to the modelling work state "I would confirm that the modelling work (including data collection) has been completed in accordance with current best practice and guidance. Industry accepted modelling packages have also been used. The approach applied within the transport assessment reflects that used within other permitted developments in this local area.

6.35 The traffic modelling is also completed for a future year whereby the proposed development is anticipated to be fully occupied. The future year scenario includes all other nearby permitted residential developments, including those at Greenhill Way, Rookery Farm, The Beeches, as well as those in Lindfield and at Penland Farm. A background traffic growth rate has also been applied. This accounts for the general increase in car ownership as forecast by the National Traffic Model. The traffic flows (including those derived from surveys of the existing network) used in the modelling are taken as being robust. Trip generation from the development itself has been derived using the same data accepted for DM/16/0402."

6.36 In conclusion on highway capacity matters the Highway Authority state "...the appropriate test is that within paragraph 32 (now para 109) of the NPPF, this being that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development cannot be held accountable or required to resolve existing traffic issues. Whilst there is no definition of severe within the NPPF, the views of the Planning Inspectorate in recent appeal decisions gives more weight to demonstrable highway safety issues resulting from developments rather than increased queues and delays for drivers. On the basis of the mitigation proposed (those highway works to be delivered by the development and a contribution towards wider improvements proposed by WSCC), WSCC remain satisfied that the development in principle will provide safe and suitable access for non-motorised road users and not give rise to any residual severe impacts as required by the NPPF."

6.37 "The County Council accept that the development will result in additional traffic at peak times and these will add to queues and delays. Comparing the with and without Hurst

Farm scenarios, it's considered that the development would not result in a severe capacity impact."

6.38 In relation to the traffic modelling, a number of technical objections have been raised by objectors. These have been referred to the Highway Authority for consideration. The Highway Authority have stated that they "remain satisfied that the modelling of the proposed traffic signals would also work within theoretical capacity. It's accepted that this is a limitation of the modelling in that this views the junctions as standalone elements that cannot account for queuing back from other junctions." They do not regard the applicants' modelling work as flawed and are aware of existing traffic conditions around the site. In relation to predicting future traffic conditions, this can only be done by modelling. The issue relates to the inputs that are put into the model and how the model operates. The Highway Authority, who are the statutory body responsible for the road network in the District are satisfied that the methodology the applicants have used for their transport work is satisfactory.

6.39 It is accepted by the Highway Authority and by officers that the development as a whole will result in additional traffic at peak times and these will add to queues and delays. This is the inevitable outcome of this large scale housing development and creation of a new school. Whilst Travel Plans can be provided and are clearly a useful tool in providing alternatives to the private car, it would not be realistic to say that this site, which is on the southern edge of Haywards Heath, will not add to queues and delays. Whilst such queues/delays are a negative factor in relation to the development, the test in both local plan policy DP21 and in the NPPF, relates to severe residual impacts and severe traffic congestion. The Highway Authority is of the view that the proposal will not cause severe capacity impacts on the local highway network. Given the views of the Highway Authority and the fact that this site is allocated (within the HHNP) it is not considered that there is any sustainable basis for refusing planning permission on the basis of impacts on the local highway network.

6.40 At present a request for a departure from standards in relation to the A272/Old farm Close junction is being considered by the Highway Authority. Based on the Design Manual for Roads and Bridges two departures have been identified. In relation to this the Highway Authority have stated "It is an accepted principle that in some instances it is not possible or even desirable (for reasons of cost or environmental impact for example) to fully comply with the design standards within the Design Manual for Roads and Bridges. The applicant has applied in the appropriate way to the County Council to review the non-compliance of design standards for two elements of the development. The County Council is in discussion with the applicant in progressing these departures. The Stage One Road Safety Audit is also based upon the design as submitted with the planning application that includes the departures. This has not raised any safety issues with the design as a consequence of the non-compliance of standards."

Wider Amenity

6.41 The part of the development that is within the LDC area is likely to have the greater impact on residents in Greenhill Park and Birch Way. These dwellings back onto the northern boundary of the site and specifically onto the school playing field and school beyond. Whilst this will certainly alter the outlook from the dwellings, there is no right to a view in planning terms, and the outlook from the rear gardens or rear windows will still exist albeit altered. With the school building shown on the indicative outline plans to be located over 100m to the south of the rear boundaries of the residential dwellings there will not be any resulting overlooking or overshadowing.

6.42 It is accepted that at times there will be noise generated by children at the school. However this is likely to be restricted to certain times of a week day, and not likely to be at times when general levels of background noise are at their lowest (evening and weekend).

6.43 Vehicle movements to and from the site will take place via the new access onto Hurstwood Lane. This is indicated to be at least 40m to the south of the nearest rear gardens in Birch Way. At such a distance and with landscaping it is not considered that this would be detrimental to residential amenity.

Drainage

6.44 The applicant has submitted a Flood Risk Assessment with the application which details the proposed drainage strategy. The strategy is to replicate the existing natural drainage arrangement as closely as possible despite the general increase in impermeable surfacing, using a variety of ponds, swales, permeable paving and underground storage tanks.

6.45 ESCC, as the drainage authority, have commented that they were disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals.

6.46 They have stated that it would be preferable if the water storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future.

6.47 Appreciating that the majority of the proposed development is located within the Mid-Sussex District part of the site, and that it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council, as the site discharges its surface water runoff into East Sussex they need to be assured that the development will not result in increased flood risk downstream. The views of the ESCC SuDS team have been submitted directly to Mid Sussex District Council.

6.48 In view of these comments it is recommended that appropriate conditions can be imposed to require further details of the precise drainage arrangements.

Air Quality

6.49 In terms of LDC policy, Core Policy 9 - Air Quality, seeks to improve air quality having particular regard to Air Quality Management Areas (AQMA). It also seeks to ensure that developments do not have a negative impact on surrounding areas [...] taking into account cumulative impacts. It is not considered that the part of the development that is situated within the LDC area would in itself lead to issues of air quality. However, resulting traffic from the school, especially the morning drop off which would coincide with morning peak traffic flows does have the potential to impact on air quality, certainly through increasing queuing traffic at the junctions. That impact was considered by MSDC and their Environmental Health officer.

6.50 MSDC in their committee report consider air quality. In relation to air pollution they quote their adopted policy which states:

"The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- It does not cause unacceptable levels of air pollution;
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;
- Development proposals (where appropriate) are consistent with Air Quality Management Plans.

6.51 Para 181 of the NPPF states that -

"Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".

6.52 As part of this planning application the applicants have submitted an air quality assessment (Environmental Statement Vol 2, Section 9) which concludes that the overall impact on air quality (from the development as a whole) will be Negligible. The MSDC's Environmental Health Officer (EHO) has assessed this report. In relation to air quality, the EHO states -

"This conclusion is accepted, although it is noted that a slight adverse impact is predicted at three receptors as a result of increased traffic flows. The air quality objective level is not exceeded."

6.53 The EHO notes that whilst no emissions mitigation calculation has been included with the applicants air quality report -

"it does recommend suitable mitigation measures, which are accepted, and can be ensured by way of planning condition." It is recommended that such a condition is included to require home charging points for vehicles and on street charging bays. This would accord with one of the aims of policy DP21 which states in part -

"Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles."

6.54 There have been representations that have made detailed technical criticisms of the applicants' air quality modelling. These concerns are available on file for inspection. A criticism that has been made relates to how the closure of Hurstwood Lane has been dealt with in the modelling. A further criticism relates to how the speed of vehicles has been used within the modelling work; specifically the criticism is that the applicants' modelling has reduced vehicle speeds at some of the road junctions.

6.55 The applicants have responded to these concerns. They have confirmed that the proposed development has considered the impact of the closure of Hurstwood Lane on local pollution concentrations. They have also stated that we have chosen speeds based on the traffic data received from the transport consultants and adapted the speeds to account for local congestion in line with TG16 guidance

6.56 The MSDC's EHO has considered the correspondence from the applicants and the objectors on these points. He considers that the objectors' concerns have been addressed and that there is no reason to believe that the air quality assessment is flawed. Accordingly he confirms that in his view, the development is in accordance with local and national planning policy and therefore that with relevant conditions in place, the development would comply with policies DP21 and DP29 of the District Plan and the Government guidance highlighted above.

6.57 The issue of air quality has been discussed with LDC's own EHO. Whilst not analysing in detail the submitted information, due to the fact that the school itself is not a large volume traffic generator and that the site is located in the countryside and on the edge of a settlement the development within the LDC area would not in itself detrimentally impact on air quality. It was felt that the conclusion reached by MSDC appeared reasonable.

Human Rights

6.58 Objectors have raised concerns about the impact on their human rights. Article 8 of the European Convention on Human Rights (as incorporated into national law through the Human Rights Act 1998) provides for a right to private and family life, and Article 1 of the First Protocol provides for the protection of property. It is considered that any interference with the enjoyment of private or family life, or of property, is necessary and proportionate to deliver the benefits of the proposed development as described above. The necessary balancing exercise is struck through the planning system. Objectors have also raised Article 2 of the ECHR (right to life) in respect of air quality. In light of what are considered to be the negligible changes to air quality arising from the development as a whole (as assessed by the applicants and accepted by the MSDC's EHO), it is not considered that Article 2 is engaged in this decision in relation to that part of the development which falls within LDC's area.

General

6.59 The comments from the Parish Council have been noted and partially covered in the report. However the applicant's agent has responded on specific points raised as follows:

Burial Ground and School Siting

6.60 At the outset, we note Wivelsfield Parish Council's comments about the siting of the burial ground in relation to the proposed school.

6.61 With regard the siting, the Parish Council states 'no-one wants their children to be constantly exposed to activities at a burial ground' and objects to the proximity of the school to the burial ground. It is important for the LPA to note that HHTC have confirmed that they only anticipated around 2 burials per week and as such, there will not be 'constant' activity at the burial ground. Moreover, the LPA should also note that the burial ground is separated from the proposed school site by a large car park, the school is anticipated to be single storey (thus reducing scope for overlooking) and the playing fields are anticipated to be on the far side of the school, away from the municipal burial ground. As such, it is unlikely that there will be anything more than limited overlooking between the two sites. In any case, this is an outline application and will be subject to further details in regards the siting of buildings and planting proposals. Accordingly, the planning department has the opportunity to reduce scope for overlooking between the uses, should

the LPA consider this necessary. However, given the limited likely usage of the burial ground, we consider that the existing separation between the sites is entirely sufficient, without further screening: The children will not be 'constantly exposed' to burial ground activities - even if overlooking were theoretically possible.

6.62 As a point of principle, however, the suggestion that it is harmful or undesirable for educational establishments and a burial ground to be in close proximity should be questioned. This is a view that finds itself somewhat at odds with history and the present day reality of life in many villages and towns throughout the country. It is very common for a village school to be sited adjacent to a village church, the grounds of which usually contain a village burial ground. This has been the historic pattern of village life for centuries and it continues today. Indeed, the building in which Wivefield Parish Council itself meets is a building which hosts a pre-school, immediately opposite a church and large burial ground. The preschool and burial ground in Wivelsfield are actually closer than the proposed burial ground and school site at Hurst Farm. Locally this pattern is also noted in Cuckfield and other villages around Haywards Heath. We consider that this passing objection to the proximity of the proposed school adjacent to the burial ground, as a point of principle, has no planning merit.

Burial Ground and Allotments Siting

6.63 Concern is also raised about the location of the burial ground and the allotments, on the basis that there could be some take up of run off from the burial ground by fruit and vegetables being grown on neighbouring land. This is an issue we considered fully in the ES. Whilst it is noted that there is potential for an environmental impact, after effective mitigation, the ES concludes that this is a 'negligible impact'. Leaching and contamination from the burial ground will be prevented by investigation of the potential and suitable mitigation measures at detailed design stage. A detailed ground investigation will form the basis for this, but is not considered necessary prior to the grant of outline consent. Paragraph 7.8.8 of the ES expands this point regarding the burial ground's potential for causing contamination:

6.64 'The ground investigation would include an assessment of the potential effects of the proposed burial ground on ground contamination, groundwater, the nearby proposed school buildings, residences and allotment land, and site users. If necessary, mitigation measures would be implemented to prevent potential contamination and ground gas from this land use impacting these nearby receptors. This would include assessing the potential for leaching from burials, groundwater flow assessment to understand the likely migration of contamination and assessment of the potential for ground gas migration. The objective of the investigation would be to satisfy EA guidance and demonstrate no impact to ground or groundwater would occur or, at worst, the impact would not amount to pollution as defined in the Groundwater Directive. Therefore, on completion of the development the residual effects to all identified receptors would be negligible.'

6.65 This is a matter which should be effectively managed via an appropriate planning condition on the outline consent.

Shared Parking Area

6.66 Regarding the appropriateness of sharing the parking with the burial grounds, allotments, country park and school, alternatives were considered to keep the parking for each element separate. However this could not be achieved adequately without reducing the length of the proposed 'Green Way' and providing a second southern access to the land east of Hurstwood Lane (opposite the existing access to Hurstwood Grange). These options were explained in the dedicated public exhibition panel in detail (attached). These

options were also explained in detail at our pre-planning meeting of 19 July 2016, with members of the Wivelsfield Parish Council. In the interests of (1) highways safety, (2) reducing impact on the ancient woodland and (3) the provision of a 'Green way' of adequate length, the access and parking arrangement to the east of Hurstwood Lane was settled upon as currently proposed, as the idea of two access points was strongly resisted by HHTC, MSDC and the Highways Department. The existing proposals are a matter for the Highways Department to comment as to whether they remain satisfied that the parking area will be sufficient to serve the school, burial ground, country park and allotments. All indications at pre-planning stage pointed to the acceptability of the access and parking proposals on the eastern side of Hurstwood Lane.

6.67 In terms of potential for conflict between the users of the car park, we consider that this is a management issue. Haywards Heath Town Council will be managing the Car Park and no objections to the sharing of the car park area were raised. Indeed, there is a benefit, in that it can ease maintenance burdens and costs, compared with maintaining a number of small car parks. Management solutions of the community uses can assist in ensuring that periods of demand for the car park are spread throughout the day. For example, HHTC could ensure that burials are not occurring at drop off or pick up times for this school. This will assist in reducing the potential for a surge in demand within the car park area at those times. With careful management of the car park and community uses, the car park resource can be used effectively by all users, thus making efficient use of available land for parking.

Community Uses 'straddling' the district administrative boundary

6.68 The Planning Statement and the Statement of Community Engagement sets out that the proposal for the school to 'straddle' the administrative boundary was a matter of specific consultation at the public exhibition and the meeting with Wivelsfield Parish Council on 19 July 2016. The reasons for this were set out clearly and an entire panel at the exhibition was devoted to this point. Reasons given for the need to straddle the boundary include:

- o There is an 'easement' for a water main which cannot be built upon (east of Hurstwood Lane but west of the proposed school buildings).
- o There is a need to provide level playing fields for the school.
- o There was a desire to keep school buildings at a distance from the residential properties of Greenhill Way.
- o There is a set need to provide a usable site of around 2ha for the school.
- o Shared parking was needed in an accessible location for the school, allotments, burial ground and country park.
- o To make efficient use of the residential land, all of the community uses were to be located east of Hurstwood Lane, meaning that some of the uses would need to 'straddle the administrative boundary'.

6.69 At pre-application stage, the views of both LPAs and both Parish Councils were sought, and no pre-application objections on this point were raised. However, we note now that WPC make an objection based on concerns about a future application for alternative uses, once the school has been accepted:

6.70 'The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.'

6.71 It is long standing principle in planning law that an application is to be considered on its merits alone, and it is not acceptable to resist an application on the basis of a

future application which may, or may not, come forward. This point is, therefore, not a valid objection.

Emergency access via the 'bus link' between the southern and northern residential development sites

6.72 It was noted that the Parish Council requested whether the 'bus only link' between the northern and southern parcels of the housing land could be opened up in an emergency. This was discussed during the pre-application meeting of 19 July 2016 and it was noted that there would be nothing to prevent this as an option to the emergency services, when an emergency diversion is needed. It is proposed that a rising bollard is used in this location, and as such, this could be lowered during a period of necessary diversion, as seen fit by the police, when a diversion is needed. This matter could be explored further during detailed design stage.

6.73 However, it is unlikely to be an option for non-emergency unusual 'heavy traffic' or 'delivery van chaos' scenarios suggested by the Parish Council, since the emergency services or Highways Department would need to operate such a diversion. In consultation with the County Highways department, it was agreed that the site should not become a regular rat-run-route, and the closure of Hurstwood Lane to through traffic is aimed at preventing such day-to-day rat running. In any case, the supporting highways statement sets out other measures that are proposed to ensure that existing traffic junctions operate effectively, preventing the need for such a short cut in non-emergency situations.

6.74 The closure of Hurstwood Lane to through traffic and its conversion to a 'Green Lane' is part of the adopted Haywards Heath Neighbourhood Plan, which now forms part of the development plan. Accordingly, the proposals to close Hurstwood Lane already have planning policy support.

Conclusion

6.75 Planning legislation requires that the applications be determined in accordance with the Development Plan unless material circumstances indicate otherwise. The part of the development which lies within the LDC area has no specific designation within the adopted Local Plan.

6.76 The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and that the proposed development can be accommodated within the site and that the proposed access to the development is satisfactory. The submitted plans inform what the proposed development will comprise in the different parcels within the site.

6.77 The built development that this located within the LDC area (school and car park) is contrary to policies which seek to protect the countryside from unacceptable development. However, this is only one of many factors that are required to be considered in assessing the application. The development as a whole (across both LDC and MSDC areas) will bring about significant benefits and these benefits have to be considered against all material considerations.

6.78 It is considered that a key issue, and the main concern of local residents in this case, is that of traffic/highways matters. The school, burial ground and allotments will be serviced via a new link off Hurstwood Lane. The majority of that link and its connection to the surrounding highway network lies within the WSCC /MSDC area. The nature of these uses is such that the associated traffic generation is likely to be small in relation to that

generated by the scheme as a whole. It falls to WSCC as the highway authority to assess and comment on the highways aspects of the development. The Highway Authority has raised no objection to the revised junction arrangements at Hurstwood Lane and onto the A272. In relation to impacts on the highway network, the test within the National Planning Policy Framework, advises that applications should only be refused on transport grounds where the residual impacts are severe. The Highway Authority acknowledges that the development will add to queues and delays at peak times. However the Highway Authority does not regard this as severe and they do not object to the scheme. In light of the position of the statutory body responsible for the highway network, it is not considered that there is a sustainable highways reasons for refusing outline planning permission.

6.79 The proposal would result in the loss of a small area of ancient woodland as a result of creating the access into the eastern side of the site, outside of the LDC area. Due consideration has to be given to this aspect. Bearing in mind the significant benefits of providing the school, allotments, burial ground and country park to the wider community it is considered that there is no objection to the loss of a small part of that designated ancient woodland.

6.80 The technical evidence that has been submitted by the applicants in relation air quality indicates that the proposed development would not cause unacceptable levels of air pollution.

6.81 In conclusion, this application concerns part of a large development which lies within two administrative areas. The majority of the built development of the overall scheme is situated within MSDC with only a small element located within the LDC area. It is considered that whilst the proposals insofar as they fall within LDC's area would alter the character of the site and its surroundings, it is not considered that it would result in any harm or that impact arising from this part of the development would justify refusal. Mitigation measures together with a well-designed landscaping scheme will lessen that impact on the wider countryside and help the development integrate into its setting. It is therefore considered that with appropriate conditions the development insofar as it falls within LDC's area is consistent with the broad objectives of the development plan, will bring about significant benefits and therefore can be approved.

6.82 The application for the wider scheme of which the development which is the subject of this particular application was considered by MSDC on the 9 August where it was resolved to approve subject to a S106 agreement. Therefore it is recommended that the LDC committee resolve to grant planning permission but do not release the decision until MSDC have completed the S106 agreement and released the substantive decision.

7. RECOMMENDATION

That the committee resolve to grant outline permission, subject to conditions, and subject to the completion of the S106 agreement and issuing of the decision by MSDC.

The application is subject to the following conditions:

1. Details of the appearance, landscaping, layout, 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 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, 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 development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Illustrative Application Masterplan 02-353-214.

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 2018.

4. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) a timetable for its implementation;
- b) the layout, levels, landscaping and fencing, as necessary, of the scheme;
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interests of amenity of the wider area and to ensure satisfactory method of drainage is provided on site 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 2018.

5. Development shall not begin until details of foul and surface water sewerage disposal arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The drainage works shall be implemented prior to the occupation of the development.

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 2018.

6. A maintenance and management plan for the pond and its outfalls 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 responsible 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 and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the 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 2018.

8. Before the development hereby approved is commenced on site, details and samples of all external materials including all facing and roofing materials, all materials for all windows and doors, and all 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 ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

9. All soft landscape works shall be carried out in accordance with the approved details and in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations. The works shall be carried out prior to the use of any part of the development or in accordance with a programme submitted to and approved in writing with the Local Planning Authority.

Reason: To enhance the general appearance of the 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 2018.

10. If within a period of 5 years from the date of planting any tree (or tree planted in replacement for it) dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To enhance the general appearance of the 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 2018.

11. 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. The boundary treatment shall be completed before the development is brought into use. Development shall be carried out in accordance with the approved details.

Reason: To enhance the general appearance of the 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 2018.

12. Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space and woodland shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved, and shall be carried out as approved.

Reason: In the interests of the long term amenity of the wider 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 2018.

13. No external lighting shall be installed on the school building or on any part of the site hereby approved for parking, allotments, burial ground, the roadway or the open space unless those details have first been submitted to and approved on writing by the Local Planning Authority.

Reason - To protect residential amenity and the character of the wider countryside 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 2018.

14. The development hereby approved shall not be carried out until a Preliminary Ecological Appraisal has been carried out and the development shall not be brought into use until the recommendations including ecological enhancements and mitigation measures identified have been approved in writing by the Local Planning Authority and have been carried out in accordance with the approved details.

Reason: To comply with wildlife legislation and to safeguard and enhance the ecological value and quality of the site 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 2018.

15. The development hereby approved shall not be carried out until the details of measures to prevent contamination of the allotments from the burial ground have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved measures have been carried out in accordance.

Reason: To prevent contamination of the allotment land 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 2018.

16. No works associated with the implementation of this permission shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

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 2018.

17. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, and used on all vehicles leaving the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of local highway conditions and safety 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 2018.

18. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016) already submitted to provide

further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from any 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 Planning Policy Framework, sections 120 and 121].

19. 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 any 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 Planning Policy Framework, sections 120 and 121].

20. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from any 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 Planning Policy Framework, sections 120 and 121].

21. No part of the school shall be brought into use until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. That Travel Plan should address specific sustainable travel initiatives for staff, parents and children with the aim of reducing the reliance on car borne journeys. Once approved, the travel plan shall be implemented in accordance with the approved details and monitoring reports submitted once a

year for the first 5 years of use to show how the measure are meeting the broad objective of reducing car borne traffic.

Reason: To encourage and promote sustainable transport 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 2018.

22. No burial services shall take place before 09.30 or between 14.45 and 15.30 Monday to Friday during school term times

Reason: To reduce traffic congestion on the highway at peak times 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 2018

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	10 July 2018	ADDENDUM TO ENVIRONMENTAL STATEMENT
Additional Documents	5 September 2017	ENV STATEMENT VOL I
Additional Documents	30 June 2017	ENV STATEMENT VOL III
Proposed Layout Plan	5 October 2017	SIGNALS 2
Additional Documents	20 October 2017	HW DESIGN PARAMS
Proposed Layout Plan	5 October 2017	SIGNALS 1
Existing Layout Plan	15 August 2017	TRAFFIC
Additional Documents	11 May 2018	TRAFFIC SIGNALS ADDENDUM
Transport Assessment	11 September 2017	ADDENDUM
Proposed Layout Plan	5 July 2018	DS01C
Proposed Layout Plan	11 May 2018	HIGHWAYS IMPROVEMENTS

Proposed Layout Plan	8 May 2018	HIGHWAYS
Location Plan	13 September 2017	02-353-208 E
Additional Documents	30 June 2017	CONTAMINATION RISK PARTS 1-7
Location Plan	12 July 2017	02-353-200/D
Location Plan	30 June 2017	02-3530222/A
Other Plan(s)	13 September 2017	02-353-214 A
Flood Risk Assessment	30 June 2017	APPENDIX 1 -4
Additional Documents	30 June 2017	COMM INVOLVEMENT PARTS 1-4
Additional Documents	30 June 2017	DRAFT HEAD OF TERMS
Additional Documents	30 June 2017	ENV STMNT VOL II
Additional Documents	30 June 2017	ENV STMNT VOL IV PARTS 2 -28
Street Scene	30 June 2017	P05/A
Design & Access Statement	30 June 2017	PARTS 1-12
Planning Statement/Brief	30 June 2017	PLANNING PARTS 1 - 3
Flood Risk Assessment	30 June 2017	
Illustration	30 June 2017	PERSPECTIVE VIEWS AA
Illustration	30 June 2017	PERSPECTIVE VIEWS BB
Illustration	30 June 2017	PERSPECTIVE VIEWS CC
Travel Plan	20 September 2017	RESIDENTIAL TRAVEL PLAN
Travel Plan	20 September 2017	SCHOOL TRAVEL PLAN PARTS 1 & 2
Transport Assessment	30 June 2017	TRANSPORT ASSESSMENT PARTS 1- 5
Other Plan(s)	29 March 2018	02-353-215 B LAND USE PARAMETER
Other Plan(s)	29 March 2018	02-353-218 B VEHICULAR ACCESS PA
Other Plan(s)	29 March 2018	02-353-221 B PHASING PLAN PARAME
Other Plan(s)	29 March 2018	02-353-216 D BUILDING HEIGHTS PA

Proposed Layout Plan	29 March 2018	6372-01 B
Proposed Layout Plan	29 March 2018	6372-02 B
Proposed Layout Plan	29 March 2018	6372-03 D
Proposed Layout Plan	29 March 2018	6372-04 C
Proposed Layout Plan	29 March 2018	6372-SK11-D
Proposed Layout Plan	29 March 2018	6372-SK12-C
Proposed Layout Plan	29 March 2018	6372-SK13-B
Planning Statement/Brief	29 March 2018	ENVIRONMENTAL ADD 1 - 14

Agenda Item 7

Report Title: Outcome of appeal decisions from 19 August to 07 September 2018

Report To: Planning Applications Committee **Date:** 19 September 2018

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All

Report By: Director of Service Delivery

Contact Officer(s):

Name(s): Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Andrew.hill@lewes-eastbourne.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><i>The Royal Oak, Ditchling Road, Ditchling Common, Ditchling, RH15 0SJ</i></p> <p>Description:</p> <p><i>Erection of three dwellings with associated access and landscaping</i></p>	<p>Application No: LW/17/0788</p> <p>Delegated refusal</p> <p>Full</p> <p>Appeal is dismissed</p> <p>Decision: 21 August 2018</p>
<p><i>The Royal Oak, Ditchling Road, Ditchling Common, Ditchling, RH15 0SJ</i></p> <p>Description:</p> <p><i>Full application for 4 dwellings with associated access and landscaping</i></p>	<p>Application No: LW/17/0789</p> <p>Delegated refusal</p> <p>Full</p> <p>Appeal is dismissed</p> <p>Decision: 21 August 2018</p>

<p><i>Pippins, The Street, Offham</i></p> <p>Description:</p> <p><i>Erection of a front extension</i></p>	<p>Application No: SDNP/18/00689/HOUS</p> <p>Delegated refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 21 August 2018</p>
<p><i>Pippins, The Street, Offham</i></p> <p>Description:</p> <p><i>Appeal for Costs relating to the above appeal</i></p>	<p>Application No: SDNP/18/00689/HOUS</p> <p>Delegated refusal</p> <p>Householder</p> <p>Appeal is allowed</p> <p>Decision: 21 August 2018</p>

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



Appeal Decisions

Site visit made on 9 July 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2018

Appeal A: APP/P1425/W/17/3192298

The Royal Oak, Ditchling Road, Ditchling Common, Ditchling RH15 0SJ

- 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 Gold Property Developments Limited against the decision of Lewes District Council.
 - The application Ref LW/17/0788, dated 6 September 2017, was refused by notice dated 16 November 2017.
 - The development proposed is 3 dwellings associated access and landscaping.
-

Appeal B: APP/P1425/W/17/3192318

The Royal Oak, Ditchling Road, Ditchling Common, Ditchling RH15 0SJ

- 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 Gold Property Developments Limited against the decision of Lewes District Council.
 - The application Ref LW/17/0789, dated 6 September 2017, was refused by notice dated 16 November 2017.
 - The development proposed is 4 dwellings with associated access and landscaping.
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Decisions

Appeal A: APP/P1425/W/17/3192298

1. The appeal is dismissed.

Appeal B: APP/P1425/W/17/3192318

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site for different forms of development. Whilst I have considered each proposal on its own merits, in order to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. An additional representation was received from the appellant following my site visit relating to the determination of a planning application on part of the appeal site¹. I considered it may be an important consideration and there would be no prejudice to any party from my consideration of this representation in determining the appeal. I have therefore had regard to it.

¹ LPA ref: LW/18/0200 approved by the Council on 18 July 2018.

5. During the course of this appeal the Ditchling, Street and Westmeston Neighbourhood Plan ('the NP') was adopted. I am required to determine this appeal on the basis of the development plan, including adopted neighbourhood plans and national policy which are in place at the time of my decision and accordingly I have determined the appeal on that basis.

Main Issues

6. In both appeals the Council objects on the grounds of the location being outside of any settlement boundary, the effect on the character and appearance of the area and highway safety. Accordingly, the main issues in both Appeals A and B are:
 - Whether the proposed development would be a suitable site for housing, having regard to adopted settlement strategy and the effect on the character and appearance of the area.
 - Highway safety.

Reasons

Suitable site

7. The Development Plan includes the saved policies of the Lewes District Local Plan 2003 ('LP') and the Lewes District Local Plan Part 1 – Joint Core Strategy 2016 ('CS'). Policy CT1 of the LP restricts development outside of the defined planning boundaries, except in certain circumstances.
8. The appeal site falls outside of any settlement boundary as defined in the LP and is in the countryside for planning purposes. The residential development proposed as part of the scheme does not fall within any of the exceptional categories of Policy CT1. Consequently, the proposal would not comply with the adopted settlement strategy and there would be some intrinsic conflict with Policy CT1. The retention and protection of the open character of the countryside is integral to that policy and given the Council have recently accepted residential development in this location it is a key consideration in this appeal.
9. There is a loose scattering of dwellings along Ditchling Road, a busy rural road with no continuous footway on the eastern side or street lighting. Despite the presence of a single storey garage structure, the area of the appeal site where plot 1 would be sited is open and allows for views of mature trees as a backdrop. It forms part of a rural wooded landscape where rural buildings and dwellings are interspersed between mature woodland, trees and planting which positively contributes to the rural character and appearance of the area.
10. I note the appellant's comments in relation to density but a design led approach requires a number of less calculated considerations and judgements. A proposal must be appropriate to the local context with regard to the principles of good design and as such, density is only one measure of acceptability insofar as character and appearance is concerned.
11. In both appeals the single storey garage structure would be replaced with a substantial detached dwelling. The 2 storey height would be combined with a considerable width, filling the majority of this corner part of the site and in such proximity to its side boundaries it would have a dominant visual presence

- on the approach from the north. This would be exacerbated by the use of 2 pitched roof gable projections on the front elevation. In both appeals the proposal would substantially diminish views of the mature trees which would be harmful to the openness of the appeal site and to the detriment of the contribution it currently makes to the character and appearance of the area.
12. In Appeal B there would be a similar effect on the approach from the south due to the introduction of a third dwelling. The resultant terrace would be overly wide and in such proximity to the side boundary with Ditchling Road the eye would be unacceptably drawn to the siting and height of the dwelling and the excessive width of the buildings as a whole. Again, existing views of mature trees and the sense spaciousness and openness would also be harmfully diminished. In both appeals these effects would not be mitigated by additional soft landscaping, which would be dependent on a number of factors to be successful and would take a significant amount of time to mature to have any useful mitigating effect.
 13. In reaching this view I have had regard to the former public house building being located close to the highway on the opposite side of the road. This was a historic building and the appeal site was an open car park containing an unobtrusive single storey garage building. The context and character of the locality will no doubt have changed given the residential development currently under construction but due to mature trees and shrubs the public house would not have revealed itself until immediately on the bend. In this case, the additional dwellings on the appeal site would be much more evident in both directions and from further away and would have greater and more harmful visual effects.
 14. I have also had regard to a recent application approved by the Council for the conversion and extension of the garage structure to a 2 bedroom bungalow. Although on the same site of the additional detached dwelling, it is single storey, set back further into the site and therefore has much lesser effects in terms of character and appearance. Although there are dwellings on the opposite side of the road these are also set back a greater distance from the highway and are much less conspicuous than the proposals before me would be. Consequently, such changes in circumstances do not alter my views.
 15. Overall, in both Appeal A and Appeal B the proposal would result in an intensification of built form to an extent that would appear unduly dominant and overly prominent. The proposals would result in an unacceptable suburbanisation of the appeal site that would harmfully erode its character and appearance and that of the locality. In such a context the proposals would not represent high quality of design and would not be an enhancement.
 16. For these reasons, in both Appeals A and B the proposal would not be a suitable site for housing in terms of adopted settlement strategy and would cause significant harm to the character and appearance of the area. Accordingly, in both appeals there would be conflict with Policy 11 of the CS, Policies CT1 and ST3 of the LP and Policy CONS2 of the NP. Amongst other things and when taken as a whole, these require proposals to conserve and enhance the high quality and character of the district's rural environment and that development should respect the character and appearance of neighbouring buildings and the local area.

Highway safety

17. The bend is sharp and the speed limit has been reduced to 40mph which appears to have led to a reduction in the number of accidents. However, 3 accidents have occurred since that limit was introduced on 1 January 2017. The removal of the public house and an improved forward visibility splay have occurred since these accidents and it may well be that this has further improved safety on this bend.
18. Nevertheless, my own observations at the visit suggest that whilst these measures may well assist there is an inherent hazard and a safety issue with drivers not knowing the severity of the bend. The site of plot 1 was also an area where planting was to be removed under previous proposals and replaced with planting that would restrain and not injure the occupiers of errant vehicles. In both appeals this would be replaced with a large, blank side elevation of a 2 storey dwelling. The position of plot 1 would introduce the potential for a much greater hazard and this would require mitigation against driver error. Some form of restraint or barrier is therefore necessary in both appeals.
19. In both appeals a Vehicle Restraint System ('VRS') is proposed and I have been provided with an indicative plan showing the extent of a barrier. However, this would not protect pedestrians on the approved footway due to its siting abutting the side elevation of plot 1. There also appear to be further issues relating to consideration of existing rights of way users, its design and the implementation of the barrier to an adoptable standard. On my reading and notwithstanding the suggested condition, further discussion and negotiation is clearly required and I have some reservations that the VRS proposed has been adequately considered and detailed sufficiently for me to be confident it could be implemented to the required adoptable standard and maintained as such.
20. Such a system would be on public highway land and the use of a Grampian style planning condition should only be considered where there is a clear prospect that the action in question will be performed within the time limit imposed by the permission. In this case and given the comments of the highway authority, I cannot be certain that there is a clear prospect that the requirements of such a condition could be achieved, noting that further road safety audits and technical submissions would be required. Such a condition would not therefore be appropriate and would fail the test of reasonableness and enforceability as set out in Paragraph 55 of the National Planning Policy Framework ('the Framework').
21. The proposals in both Appeal A and Appeal B would provide each of the dwellings with 2 spaces and in Appeal A there would be space available for 2 additional spaces between Plot 3 and the boundary with the highway. I acknowledge that the standards may have changed during consideration of the application but even if there was a shortfall as the Council suggests of 1 space in Appeal A and 2 spaces in Appeal B then a change to unallocated parking would appear to comply with the standards.
22. In both appeals an amended layout plan² has been submitted to which the Council and highway authority have considered in their statement and I have therefore had regard to it. In Appeal A an arrangement of 7 unallocated spaces

² 1682-101-04.

is shown and with care and caution the spaces would be useable. In Appeal B, a similar plan shows 8 unallocated spaces. I also note that in granting permission for the conversion of the garage no objections were raised to the number of additional traffic movements.

23. Suitable turning space is shown in both appeals and although the Council have some concerns regarding inconsiderate parking, the shortfalls would be minimal. Even if a small number of vehicles were parked inconsiderately it would not necessarily mean any vehicle entering the site would have to reverse back onto the highway. Overall I am satisfied vehicles would be able to leave the site in forward gear and that the parking provision would be appropriate. If I were to allow the appeal then securing the spaces as unallocated and the minor changes to the layout in Appeal A is something which could be addressed by conditions.
24. The Council have raised concerns regarding occupiers leaving Plot 1 and stepping onto the access but vehicle speeds would be low and the entrance to that unit is centrally located. There would be adequate time for any occupier to react to a vehicle entering the site and there would be no conflict in this regard. Living conditions in terms of headlight glare into Plot 1 and noise and engine vibrations would not be material and the former could be mitigated by future occupiers of plot 1 if necessary.
25. Nevertheless, the proposals in both Appeal A and Appeal B do not satisfactorily demonstrate to me that they would not result in harm to highway safety and that this harm could be satisfactorily mitigated. The proposals would therefore conflict with Policies CP13 of the CS and ST3 of the LP insofar as they require development to not alter an area in terms of hazards and the creation of safer roads.

Planning balance and conclusion

26. When the Council determined the application they were able to demonstrate a 5 year housing land supply. It has since been brought to my attention³ that the Council can no longer demonstrate a 5 or 3 year supply of housing land⁴. Consequently, Paragraph 11 d) ii of the Framework is engaged which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. An additional unit in Appeal A and 2 additional units in Appeal B would provide family sized homes on previously developed land and a very small contribution to supply in an area of acknowledged undersupply. In both appeals the proposals would assist in maintaining local services and facilities and there would also be some small economic gains including from short term construction jobs and future occupier's spending in the local economy. Given the size of the schemes these only weigh minimally in favour of it. The absence of harm in relation to other development management considerations is neutral in the planning balance.

³ Lewes district Five Year Housing Land Supply Position as at 1 April 2018 following request for comments on the revised Framework.

⁴ 4.99 years for the district as a whole and 4.92 for Lewes District Council and for the 3 year supply, 1.97 year for the district as a whole and 2 years for Lewes District Council.

28. Set against this there would be intrinsic harm in terms of the adopted settlement strategy. Although the weight to the conflict with Policy CT1 in terms of location is less than full given the housing land supply position and presence of neighbouring dwellings, I have also identified significant harm to the openness, character and appearance of this part of the countryside. The proposal would conflict with Policy 11 of the CS, Policy ST3 of the LP and Policy CONS2 of the NP and Policy CP13 insofar as highway safety is concerned. These are consistent with the Framework and I give considerable and greater weight to the adverse impacts I have identified and the subsequent conflicts with the policies.
29. Drawing my conclusions together, in both Appeal A and Appeal B the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, when taken as a whole. As such, the proposals would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
30. For the reasons given above, in both appeals the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that decisions should be made other than in accordance with the development plan.
31. Having considered all other matters raised, I therefore conclude that both Appeal A and Appeal B should be dismissed.

Richard Aston

INSPECTOR

Appeal Decision

Site visit made on 23 July 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2018

Appeal Ref: APP/Y9507/D/18/3201537

Pippins, The Street, Offham, Lewes, East Sussex BN7 3QE

- 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 Eric Styles against the decision of the South Downs National Park Authority.
 - The application, Ref. SDNP/18/00689/HOUS, dated 6 February 2018, was refused by notice dated 19 April 2018.
 - The development proposed is a front extension.
-

Application for Costs

1. An application for costs was made by Mr and Mrs Styles against the South Downs National Park Authority ('the NPA'). This is the subject of a separate Decision.

Decision

2. The appeal is allowed and planning permission is granted for a front extension at Pippins, The Street, Offham, Lewes, East Sussex BN7 3QE in accordance with the terms of the application, Ref. SDNP/18/00689/HOUS, dated 6 February 2018 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: OS based Location Plan; Site and Block Plan; Drawing Nos. S/1; S/2; S/3; S/4;
 - 3) The materials to be used in the construction of the external surfaces of development hereby permitted shall match those used in the existing building.

Main Issues

3. The main issues are the effect of the extension on the character and appearance of the site and its surroundings and whether as a result, those aspects of the Offham Conservation Area would be preserved or enhanced.

Reasons

4. I saw on my visit that the appeal building is a 2 bedroomed bungalow set well back from the road and accessed by a driveway that also serves a further property ('Old Wheelwrights') to the south east and out of sight around a
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corner. Although the extension would be to the front of the bungalow, it would sit comfortably within a much larger gravelled and patio area and be separated from the landscaped front garden by the existing brick and flint retaining wall.

5. The Refusal Notice refers to the proposed extension having a scale and siting that would enlarge the existing property so that it could not be comfortably accommodated within the site without having a cramped appearance and resulting in a further loss of space around the building '*thereby exacerbating the incongruous relationship*' between it and neighbouring homes.
6. However, as regards 'scale' I consider the extension to be entirely proportionate to the host dwelling, whilst in terms of 'siting' the existing gravelled and patio area is easily large enough to accommodate the addition without any reasonable perception of it being cramped in this particular part of a good-sized garden. Furthermore, the garden in total has three parts, the one to the front that would accommodate the extension; a smaller area immediately to the rear of the bungalow that is still to be landscaped, and a third area also to the rear but offset to the south east where it shares a boundary with 'Old Wheelwrights'.
7. I am therefore at a loss to understand why the relationship between Pippins (both as existing and extended by the appeal scheme) and its neighbours is regarded by the NPA as 'incongruous'. This part of Offham has a varied pattern of development, typical of a village that has evolved over many years, but for the most part with the buildings being subservient to the landscape. And although much more recent, the appeal bungalow fits in well with its more established neighbours, being discreetly sited in relation to both the very limited public views and as regards the outlook from nearby properties.
8. The nearby dwellings are of different sizes and designs and include Woodcock Cottage, a listed building. However, the position and appearance of Pippins does not draw the eye as being unusual or harmfully at odds with its neighbours, and neither the siting nor the scale of the extension would make any difference. This includes the setting of Woodcock Cottage, which would not be materially affected, particularly given its higher site level and separation by a wall and planting.
9. In summary, the proposed extension would not have a harmful effect on the character and appearance of the site and its surroundings, with those aspects of the conservation area thereby preserved. The Refusal Notice cites a range of policies in the Lewes District Local Plan Part 1 Joint Core Strategy 2016, of which Policy RES13: 'Extensions' retained from the Lewes District Local Plan 2003 is the most relevant. The appeal proposal fully complies with this policy and with Sections 12 and 16 of the National Planning Policy Framework 2018 regarding design and conservation respectively. This document also includes Government policy on the National Parks, but again I can see no possible conflict with this arising from the proposal.
10. The officer's report also refers to an issue of 'amenity' in respect of Woodcock Cottage, but there is insufficient detail to support the assertions made and this matter does not in any event form part of the reason for refusal. I have noted that objections to the proposal have been received from the Parish Council and some local residents. However, the matters raised either fall within the scope of the main issue or are not of sufficient weight for me to alter my conclusions.

11. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A matching external materials condition will ensure the extension harmonises with the existing dwelling and safeguard visual amenity. The NPA has also suggested a condition restricting the hours of construction, but this would be unusual for a proposal as modest as an extension to a dwelling and I see no good reason to make an exception in this case.

Martin Andrews

INSPECTOR

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Costs Decision

Site visit made on 23 July 2018

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2018

Costs application in relation to Appeal Ref: APP/Y9507/D/18/3201537 Pippins, The Street, Offham, Lewes, East Sussex BN7 3QE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Eric Styles for a full award of costs against the South Downs National Park Authority ('the NPA').
 - The appeal was against the refusal of planning permission for a front extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

2. The NPA was invited by PINS to state its case for a rebuttal of the application for costs but failed to do so.

Reasons

3. The Government's Planning Practice Guidance 2014 advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The application for costs cites two of the examples of unreasonable behaviour by a Local Planning Authority in the Planning Practice Guidance. These are (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and (ii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The grounds of appeal allege a number of inaccuracies in the NPA's Delegated Report. With the limited evidence before me, including the absence of a costs rebuttal, I am unable to ascertain whether this allegation is entirely true. Be that as it may, there are several alleged errors that are particularly significant and from my visit to the site and appraisal of the application I am satisfied that the appellants' assertions are correct.
6. Section 1 of the Report: 'Site Description' says that '*The back garden rises steeply behind the bungalow*'. Section 8: 'Planning Assessment' adds '*The site has a hard stony surface in front and the bungalow is set back within the plot, the only useable outdoor amenity space is in front. This is because the rear garden predominantly comprises a steep and narrow bank. There is a risk that further enlargement of the existing building will contribute further to the dwelling having a cramped appearance within this plot*'.

7. Section 8 goes on to include the assessment that *'..... the proposed extension will copy the form and external finishes of the main bungalow and will be subservient in scale. The main issues are the scale of the resulting building in relation to the size of the plot and also to the positive spatial characteristics and rural setting of the locality'*.
8. The description of the rear garden is patently inaccurate and even if the fact that the planning officer failed to see the back garden on his visit could be accepted as a one-off mistake, it is clear that he also failed to note the site boundary edged red on the Location Plan (710/3) and on the Site and Block Plan. The thrust of the application's assessment in the Delegated Report and the basis of the reason for refusal is that the extension would result in a cramped development out of keeping with its surroundings. However, there is the additional observation that the only useable outdoor amenity space is in front (of the bungalow).
9. With both of these assertions being wrong, it is clear that the appraisal of the application and its subsequent refusal were materially predicated on inaccurate observations at the site visit and in my opinion, much more culpably, a failure to appraise the application plans with a reasonable degree of care and accuracy. Furthermore, the agent for the appellants notified the NPA of the significant errors in the Delegated Report, and even though the case officer was on holiday there was a failure of management to delay the issue of the Decision Notice to clarify and if necessary correct any mistakes made.
10. There are a number of other deficiencies in the appraisal of the application, including the vague and generalised assertion of a loss of amenity for the occupiers of Woodcock Cottage that in the event was not included in the Notice of Refusal. However, it is in respect of errors in the processing of the application, combined with the failure to take the opportunity to do something about them, that I consider the NPA has behaved unreasonably. This has necessitated an appeal and the development being delayed when clearly it should have been permitted.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the South Downs National Park Authority shall pay to Mr & Mrs Eric Styles the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicants are now invited to submit to the South Downs National Park Authority to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Martin Andrews

INSPECTOR