

**Supplementary report to the Lewes District Council**  
**Planning Applications Committee**  
**on 4 August 2021**

**LW/21/0530**

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**Chailey, Barcombe & Hamsey**

Updated comments have been received from ESCC Highways. As with the previous application there are no objections raised subject to the imposition of conditions. This includes a request for a condition requiring 'frontage development'. This condition was previously requested in the comments for application LW/20/0633 and was not included in the recommended condition list as it is not considered to meet the test for conditions set out in para. 55 of the Revised NPPF and para. 003 of the Planning Practice Guidance for the Use of planning conditions. This is due to the condition not being necessary (layout is a reserved matter), precise (it is poorly defined) or reasonable (it does not allow for scope for other measures to draw attention to the development to be investigated prior to a reserved matters application being submitted). As such, it was omitted. Should there be no other option than for an element of frontage development to be incorporated, this will be assessed at the Reserved Matters stage in conjunction with Conservation, Landscape and Highways Officers. Any potential visual impact would then be weighed against the benefit of providing new affordable housing on this allocated site.

It should be noted that the provision of red surfacing and warning signs to draw attention to the development will be provided on the public highway and secured by way of a section 278 agreement.

The updated ESCC Highway comments are reproduced in full below:-

### Executive Summary

This outline application seeks approval for erection of up to 26 dwellings with all matters reserved except access. The previous application (LW/20/0633) at this site received highways approval, as the plans remain the same my comments submitted on the 16<sup>th</sup> December 2020 remain largely unchanged. I do not wish to object to the proposals and recommend the following conditions.

### Response

The site forms part of the development allocation (Policy BA02) in the Lewes Site Allocation and Development Management Policies Local Plan which was allocated for 25 net dwellings. A Transport Statement has been submitted in support of the application and an updated technical note and speed survey has been included to support the proposals.

### Access

The site is located on northern side of the High Street (C8) within a 30mph. The proposed access is 5.5m width with an 8m radius at the junction with the High Street which is considered suitable to accommodate two-way flows.

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Details of a speed surveys carried out in June 2020 and May 2021 have been submitted. Both surveys highlight that 85% tile speeds fronting the site are higher than the 30mph restriction at 34.6mph north eastbound and 34.9mph south westbound.

Based on the speed survey results, the Transport Statement details that visibility splays of 2.4m x 54m to the west and 2.4m x 70m to the east can be achieved which meets the requirements set out in Manual for Streets; however, splays in accordance with Manual for Streets will only be accepted should the design include frontage development (i.e. dwellings highly visible to the street scene to emphasise to drivers the village location, rather than a rural road). It should not be a concealed development and needs to contribute to the street scene so that the road is not used as a connection but feels like you have arrived in a place. Essentially, the rationale for the layout to be prominent and visible is that it maintains character and continuity of built form alongside reducing speeds. The proposed indicative layout has not been altered and as such any reserved matters application will need to take this into account.

Plan JNY10636-04 shows the relative cross sections along the sight lines which demonstrates that suitable visibility splays can be achieved subject to the regrading of the embankment and removal of vegetation. An adoption plan has been submitted which suggests that the main route into the development will form part of the public highway. Given the size of development it is considered appropriate to have sections or all of the roads in the development site put forward for adoption as highway. Any road adoption will be subject to a s38 agreement with ESCC as Highway Authority. If parts of the development are to remain private the Highway Authority would wish to see the roads within the site laid out and constructed to standards suitable to serve the development.

### Gradients

The proposed access plan has been amended with a 5m transition length at the junction with the High Street, this is sufficient to in order for a vehicle to wait before joining the High Street.

### Parking/turning

The number of bedrooms per dwelling is not detailed at this stage and as such the exact parking requirement cannot be determined; however, it is suggested that parking will be provided in accordance with the ESCC parking standards. The East Sussex Parking Demand Calculator should be used in order to determine the allocation and number of visitor spaces required. It should be noted that garages only count as 1/3rd of a space and need to be

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set back 5.5m from the carriageway. Cycle storage will need to be provided and suitably located for each dwelling. As this application is for outline purposes the parking can be covered by condition with details to be submitted to and agreed at Reserved Matters stage.

East Sussex County Council encourages the use of electric charging points at all developments with off street parking. It is not clear from the plan provided where these points will be located. It is recommended that any electric charging point spaces should be provided in addition to the overall parking provision unless charging points will be provided at each space.

A vehicle tracking plan has been provided to demonstrate that the access is suitable to accommodate the largest refuse vehicle. Details have also been provided to show how the refuse/emergency vehicle can turn within the site. If any alterations are made to the layout an amended plan may be required. Although turning can be achieved with the likelihood of on street parking turning may be difficult.

**Trip Generation/Traffic Impact**

TRICS data has been used to assess the level of vehicle trips that will be generated from the proposed development of 26 dwellings. The figures indicate that a development of 26 houses is likely to produce 13 trips in the AM peak and 14 in the PM, and 119 daily. The assessment has been made by using only 6 sites in TRICS for the residential use, ideally 10 sites should be used. However, from my own interrogation of the TRICS database it is like that for this type of site in this location closer to 6 trips per dwelling which equates to 156 daily trips. This increase is not considered significant over the course of the day and can therefore be accommodated in the existing highway network without significant issue or additional congestion.

A Stage 1 Road Safety Audit has been submitted in support of the proposed access arrangements. The audit raised one problem relating to the visibility splays and frontage hedgerow and made recommendations that the applicant not compromise the visibility splays at the new access. I am satisfied that the submitted plan shows that suitable visibility splays can be achieved subject to the regrading of the embankment and removal of vegetation.

Having checked the Police crash records there have not been any incidents reported in the vicinity of the access which suggest that there are no existing highway safety issues.

**Mitigation Measures**

To emphasise the village location, it is recommended that red surfacing be laid at the entrance to the village at the 30mph signs on the High Street. It also requested that a junction warning sign be provided for westbound traffic to highlight the access to drivers leaving the built-up area.

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These off-site highway works can be secured through a condition of the planning permission with all details to be agreed. The applicant will need to enter into a s278 Legal Agreement with ESCC to carry out these works.

Accessibility

The site is within walking distance to the post office/village shop, pub and Primary school along a 1.2m footway. The nearest bus stops are on the High Street (C8) around 150m from the site access. The railway station at Cooksbridge provides a train service to London/Lewes/Brighton for commuters and whilst there are no footways to allow commuters to walk it is within the acceptable cycling distance. Bus Service 122 provides 3 daytime buses per day Monday to Friday, providing links to Lewes and Cooksbridge and onward travel by train from Cooksbridge and Lewes. The first service being at 07.42 which enables commuters to reach London by train from Cooksbridge. There are no evening bus services.

Travel Plan

Although the size of the development does not warrant a Travel Plan or Travel Plan Statement I would still wish to see a Travel Plan Pack provided with each dwelling upon occupation. This should provide information on bus/train stops and timetables, walking distances etc and possibly bus/train taster tickets or cycle voucher for each dwelling. This would help to reduce the reliance on the private motor car. This can be secured by way of a condition of any planning permission.

Construction

A Construction Traffic Management Plan will need to be provided and be agreed at any detailed application stage. This would need to include routing of vehicles and management of workers vehicles to ensure no on-street parking occurs during the whole of the demolition and construction phases. Deliveries should also avoid AM and PM peak network.

Conclusion:

I do not wish to restrict grant of consent (subject to the conditions/informatives listed in the committee report and the following condition for 'frontage development' which has not been included).

*The development shall include frontage development along the southern boundary so as to be highly visible from the C8 High Street.*

*Reason: In the interests of highway safety and to ensure the provision of suitable visibility splays at the access.*

OFFICER COMMENT: The above condition has been omitted as it was not considered to meet the test for conditions set out in para. 55 of the Revised

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NPPF and para. 003 of the Planning Practice Guidance for the Use of planning conditions. This is due to the condition not being necessary (layout is a reserved matter), precise (it is poorly defined) or reasonable (it does not allow for scope for other measures to draw attention to the development to be investigated prior to a reserved matters application being submitted).

**COMMENTS RECEIVED FROM BARCOMBE PARISH COUNCIL – THESE SUPERSEDE THOSE SHOWN IN PARA. 6.1 OF THE OFFICER REPORT.**

The Parish Council is positive towards housing development on this site in principle as long as it is appropriate for the site, provides the types of housing identified in the Village Housing Survey and takes fully into account the environmental concerns raised. An infill development of this type has the potential to provide housing whilst preventing straggling developments around the outskirts of the village. With regard to this site in particular, the last Barcombe Village Housing survey was conducted in 2015 and the results of this survey are on the Parish Council's website. The survey at that time concluded that of the sites put forward by LDC, 55% were in favour of this location on Hillside.

However, the Parish Council remains neutral to application LW/21/0530 until the following points are fully addressed. Some concerns remain from the Parish Council previous comments.

1. ESCC Highways to confirm that access as safe as possible and consider/recommend further improvement. The Parish Council are not convinced that the latest information fully addresses concerns. It would be useful to have terms like 'not busy road' and 'safety impact of traffic not severe' quantified.
2. Greater clarity on flood mitigation and sewage treatment both initially and in the long term. An assurance is required and must be documented that the maintenance of flood mitigation and sewage treatment is formalised and permanently funding in place to future proof the site and protect neighbours.
3. Nothing larger than 3 bedrooms should be included. The availability of rental, part ownership and affordable accommodation should be retained.
4. The access visibility splay is compromised by existing hedge. Further clarity required as point 1. Will draw LDC attention to the access whether it's safe or not – is the site ever be safely accessed. Could prevent the development.
5. The Parish Council request that ESCC and LDC consider additional alternative access points on the High Street and via Bridgelands.

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6. The Parish Council would like the more work to be undertaken exploring the compromise and conflict created by the following issues
  - a. The issue of road safety for pedestrians as a wide road access splay is required.
  - b. The visibility of new buildings as a traffic speed control element and local requirement to minimise the visual impact of the large, in relation to the surrounding houses, number of new properties.
7. The Parish Council would expect the villages dark skies to be protected. This should be recorded as a required reserved matter.
8. The Parish Council would like to see as much of the hedge protected as much as possible as it meets the criteria for 'priority status'.
9. That's any biodiversity improvement net gain must be applied within the parish.
10. Planned parking allowance is inadequate considering the parking difficulties which already exist within the village.

On a procedural basis the Parish Council would like it noted that Lewes District Council have not met requirements in terms of posting notice and the timing of closing dates and the date of the Committee 4th August are in conflict.

The Parish Council and local community would like support from both Lewes District Council and our other representatives to:

- Apply pressure to influence the type of houses and access post outline planning application to ensure an appropriate solution for our village and its residents. That what is agreed at outline permission stage is what is built.
- Ensure the managed growth of the village.
- Ensure priority if/when properties are released so that a proportion of the properties can be made available to local residents or workers.

**OFFICER COMMENTS ON POINTS RAISED:**

1. ESCC Highways have confirmed in their comments that they are satisfied with the safety of the proposed access. Comments on traffic levels are quantified by the up-to-date surveys provided by the applicant as well as traffic estimates based on TRICS data (a national database of traffic data).
2. The Lead Local Flood Authority are satisfied that the overall drainage strategy is appropriate and that detailed design can be addressed at the reserved matters stage.

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3. The development will incorporate 40% affordable housing and this will be secured through the use of a section 106 legal agreement. The mix of homes provided will be based on identified housing need.
4. The access plans and ecology reports confirm an 18.4 metre length of hedge would be removed to allow for site access. The remainder of the hedge would be left intact with any trimming back relating to the vegetation of the bank to the front of the hedge as well as any works to prevent encroachment onto the highway/visibility splays as is common practice for any hedgerow flanking a highway. Any trimming back of the hedge would represent 'permitted work' to a hedgerow for highway and proper maintenance purposes as per section 6 (h) and (j) of The Hedgerows Regulations 1997. This applies to the hatched areas shown on plan JNY-10636-09-A only.
5. Alternative access points have been considered by the applicant and discounted as per the assessments shown in paras. 1.12 to 1.17 of Technical Report JNY10636a. See also para. 8.4.1 and 8.4.2 of the Officer Report.
6. ESCC Highways are satisfied that suitable visibility splays are provided. ESCC Highways have stated that the development should be identifiable to approaching traffic. This would not require significant visual impact within the street scene and any visual presence would need to be sensitive to the surrounding conservation area and village setting.
7. Condition 8 (para. 10.1) states that no external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.
8. The retained hedge would be protected and enhanced with additional planting as set out in the Ecological Addendum Report.
9. All biodiversity and habitat enhancements would be provided within the site. The submitted Technical Briefing Note TN01: Biodiversity Net Gain Assessment confirms that habitat enhancements which include the SUDs attenuation pond, seeding of retained grassland areas to improve species mix, planting of 64 street trees, provision of 100 m<sup>2</sup> of native scrub, provision of 708.9 metres of native hedge planting and enhancements of retained hedgerow, would create a habitat net gain of 10.58% based on DEFRA metric 3.0 and a hedgerow net gain of 251.55% also based on DEFRA metric 3.0.
10. The quantum of parking to be provided would be confirmed at the reserved matters stage. ESCC standards will need to be complied with.

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**APPLICANT RESPONSE:**

1. We have commissioned a Road Safety Audit for the access, which confirms that the proposed access is safe. Two surveys of vehicle speeds have been carried out in 2020 and 2021 respectively to ensure that the visibility splays are sufficient. The 2021 survey demonstrated that the speeds slowed down post COVID in part due to the change to the number of cars on the road. ESCC have confirmed that the proposals do not amount to severe impact on the road network. The reference to severe relates to the NPPF tests, which set out that development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe', this is not the case as confirmed by ESCC and as such there are no grounds to consider the proposals should be refused on highways grounds.
2. Our Flood Risk Assessment has considered the impact of the proposals on the site and the wider village. The proposals include provision for an attenuation pond and meet the necessary tests that greenfield run off rate is achieved. The proposals themselves will not flood and attenuation pond is expected to ensure no water runs off from the site onto the road.
3. The quantum of affordable housing is secured through the Section 106 agreement and will remain unchanged. The housing mix will be in accordance with local housing needs and confirmed at the reserved matters stage.
4. Only 18.4 metres of hedge are required to be lost to deliver the access to the site. The bank located adjacent to the hedge and the pavement will be cut back to a maximum of 0.6 metres to give the necessary visibility splays, no hedge will be lost. Therefore the access is safe and as noted above there is no unacceptable impact on highway safety.
5. Please refer to RPS's Technical Note which explores the additional options for delivering access that have been explored.
6. In respect of buildings being located towards the edge of the site... ESCC position on this is "As long as there is a clear visual presence from the road with this would be accepted. The frontage vegetation and hedge line will need to be maintained so the houses are not obscured".
7. Condition 8 requires that no lighting can be installed without prior written approval to the Council.
8. The frontage hedgerow adjacent to the High Street is dominated by a single species - Beech. There are just a few scattered individuals of other species present within the hedge. However, there are very

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additional species present. Therefore, this hedge is very largely a monoculture and in biodiversity terms this does not make it important or diverse and as such is less attractive to many species. In addition, the existing frontage hedgerow dates from post 1961 following the removal of the original hedgerow to facilitate the road realignment and provision of pavement and it therefore not historic. In addition to not being historic, we also note that the hedgerow adjacent to the High Street also does not qualify under the Wildlife and Landscape criteria of the Hedgerows Regulations and it does not have an elevated wildlife function, supporting only a single tree in the east and as a result it does not represent an important flyway for bats or a significant wildlife corridor for other species. However, the proposals do not seek to remove any more than the necessary 18.4 metres to facilitate access nor do they require the hedgerow to be cut back as the visibility splays are achieved with the cutting back to the bank in front of the hedgerow only.

9. As noted in the submitted Ecology Reports, we are proposing to include within the site biodiversity enhancements which include, inter alia, additional hedgerow containing multiple native species, specific types of grasses within the open space. No biodiversity of habitat enhancements are proposed outside of the land within which we control as we can deliver the Council's biodiversity enhancements aspirations within the site itself.

**ADDITIONAL 43 LETTERS OF OBJECTION RECEIVED**

**Officer comments have been provided where required. Other matters are addressed in the officer report or in recommended conditions.**

Principle:

- The development has already been rejected by planning committee;
- There are more favourable sites available in Barcombe;
- Applications for development of the site were rejected in the past;
- The NPPF says alternative sites should be used where they are available if a proposed development would have an adverse impact;
- A lot of research for the site would have been carried out remotely due to COVID;
- The application is going to committee prior to the end of the public consultation period and during a time when many people are away on holiday;

OFFICER COMMENT: The current application provides further information on site access selection and safety measures as well as ecological enhancements, in direct response to the two reasons for refusal of the previous scheme. The site was allocated as part of Local Plan Part 2 which went through full public consultation process during which other sites put

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forward were discounted. Para. 180 a) of the 2021 NPPF states 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.' The county ecologist has confirmed the proposed development would not result in significant harm to biodiversity and appropriate mitigation measures would also be incorporated into the scheme.

No other sites were put forward at the time and, in any case, this is not relevant to the determination of this application which must be judged on its own merits. The traffic surveys and ecological surveys were all conducted recently and on-site.

The application is being taken to committee so that members may make a resolution on a decision and whether to delegate the matter back to officers to issue a decision. It is considered that sufficient information and consultee comments have been provided to allow for the application to be determined. No decision will be issued before the end of the statutory consultation period and, in the event any new material considerations are raised prior to the statutory consultation period expiring, this will be reported to members who will have the power to recall the application to committee for further discussion if they so wish.

It would be unreasonable to delay the statutory consultation process due to the possibility of members of the public being on holiday. This could happen at any time of the year and there is nothing in the Development Management Procedure Order to allow for such delays.

**Highway Impact:**

- Increased parking and traffic;
- Approved access also includes internal road network;
- Plan shows part of the hedgerow at Willow Cottage needing to be removed to provide visibility splay;
- Large stretch of road for pedestrians to cross without pavement on opposite side of High Street;
- The existing pavement is too narrow to allow people to pass;
- There is poor visibility and speeding traffic on the section of road around the site access;
- Will cause more wear and tear on surrounding highway which is already in poor state of repair;
- Access arrangements not consistent with the Local Plan;
- Visibility splays only achievable if the ecologist recommendations are ignored;
- Visibility splays not suitable for wet weather conditions;
- Gradient of access would result in danger of vehicles sliding onto High Street when ice is on the road;

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- The use of a 1 metre setback for visibility splays is only supported by draft legislation;
- The footway from Bridgelands to the application site cannot be expanded and it is difficult to negotiate with pushchairs;
- 3D Models of the proposed site access should be included;
- Inadequate parking;
- There would be a potential blind spot on the approach to the site from the south-west due to a dip in the road. As such, motorists may lose sight of low vehicles in particular;
- Visibility splays cross third-party land;
- There is reduced forward visibility on the approach to the site from the north-east;

OFFICER COMMENT: Plan JNY-1036-09A shows all hedgerow removal and vegetation clearance as taking place on land under the ownership of ESCC Highways (indicated by a red dashed line). ESCC Highways have confirmed that the plan is accurate. Such management is consistent with most highway flanking hedgerows in the surrounding area. It is important to note that a hedgerow is a man-made feature and, without management, would evolve into woodland, all hedgerows are cut back from time to time to prevent this. The provision of visibility splays are accounted for in the Ecological Addendum Report (para. 5.1.1) and the removal of hedge to allow for the access is fully supported. All recommendations made in the ecological report will be secured by condition and must be implemented as part of the development. The gradient of the site access is reduced to 5% adjacent to the High Street to reduce risk of vehicles rolling onto the High Street. The use of a setback for visibility splays is included in Manual for Streets 2007.

3D modelling of the site access has been carried out and will be shown as part of the committee presentation. The submitted plans include topography and measurements.

ESCC have thoroughly assessed the site access and not raised any concerns in regard to blind spots.

Quantum of car parking spaces would be confirmed as part of the layout details at reserved matters stage.

**Ecological Impact:**

- Loss of critical wildlife;
- Loss of large section of ancient species rich hedgerow;
- They are rare and protected species on site including bats and nightingales;
- Would cause damage to the wildlife corridor that follows the course of the old railway line;

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OFFICER COMMENT: The hedgerow affected by the development has been thoroughly surveyed by a professional ecologist and found to be dominated by a single species (beech) and, on account of stem diameter and the dominance of one species, to be a maximum of 55 years old. This is corroborated by historic Ordnance Survey maps showing the hedge would have been planted when the road was widened and realigned.

A thorough habitat and species survey has been carried out and mitigation measures put in place to safeguard wildlife. These mitigation measures have been approved by the ESCC Ecologist.

**APPLICANT RESPONSE:**

The frontage hedgerow is dominated by a single species - Beech. There are just a few scattered individuals of other species present within the hedge. Therefore, it is very largely a monoculture and in biodiversity terms this does not make it important.

By contrast, important hedgerows contain a diverse range of species, are typically long established and provide a well-structured environment for wildlife. Our assessment of the hedgerow on the frontage, based on a great deal of experience, is that this hedgerow is not one of those of importance. Reference to the Heritage Assessment work on the site shows that the High Street was realigned between 1961 and 1981 and the hedgerow planted around this time. As a result the hedgerow is not historic. It also does not qualify under the Wildlife and Landscape criteria of the Hedgerows Regulations and it does not have an elevated wildlife function, supporting only a single tree in the east and as a result it does not represent an important flyway for bats or a significant wildlife corridor for other species.

The proposals will not impact on wildlife, methodologies for how to deal with the wildlife that exists on the site will be set out in documents submitted under the relevant planning conditions.

Whilst there was hedgerow planting previously proposed under the original application, we have identified further opportunities within the new layout to incorporate additional planting of some 178m. They will be planted with native species and will include flowering and fruiting species to provide a year-round resource for wildlife. As a result, this scheme provides some 708m of new hedgerow planting. This represents a very considerable net gain for hedgerows when compared to the loss of just 18m of hedgerow to the access.

Net gains for wildlife will also be achieved via a range of other enhancement ecological measures.

**Visual Impact:**

- Not in keeping with the village;

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- The field is positioned at the gateway to the village and provides an important contribution to its setting;
- Highways have asked for housing to be positioned close to the road and this will result in negative visual impact;
- The LVIA implies the development is unsympathetic and needs to be screened;
- A more detailed and sympathetic design proposal should be produced;
- Mature native trees should be planted to screen the development;

OFFICER COMMENT: The submitted LVIA provides an example of how the development may look. The design, scale, landscaping and layout of the development are all reserved matters and, as such, the potential visual impact of the development would be thoroughly examined at the reserved matters stage, in consultation with the ESCC Landscape Architect. Sympathetic screening can be provided by existing hedgerow as well as additional native planting that is consistent with that seen on surrounding field boundaries;

**Flooding & Drainage:**

- There has been recent severe flooding on the High Street and other parts of Barcombe which cut off the village;
- Will result in increased flood risk on the road and to surrounding properties, particularly Willow Cottage;
- The drainage scheme is not adequate;
- Loss of permeable surface will increase flood risk;
- The drainage scheme put forward could not be implemented as third party land would need to be crossed to gain access to the watercourse;

OFFICER COMMENT: The drainage details have been assessed by the Lead Local Flood Authority (LLFA) who are satisfied with the principle of the scheme put forward with additional details being secured by condition, see section 8.7 of this report.

The Flood Risk Assessment submitted with the application confirms that development will manage the existing green field runoff through attenuation, and will not exacerbate the existing flood occurrences in the locality.

The applicant has confirmed they have riparian rights to use the drainage ditch as it crosses their land. A title plan (10602-OA-09) has also been submitted which confirms the ditch crosses land under the control of the applicant.

**Sustainability:**

- Barcombe is not big enough for this type of development;
- Have green resources been taken into account? There are no gas mains in Barcombe;

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- Will add pressure on sewage network. The sewage plant at Barcombe releases raw sewage at times of heavy rain;

OFFICER COMMENT: Southern Water have stated their infrastructure can service the development. The Government is phasing out domestic gas heating. Sustainability measures will need to be incorporated into the development in accordance with the Sustainability in Design Technical Advice Note and this will be secured by way of a planning condition.

Environmental Impact:

- Increased noise and disturbance;
- Overshadowing of neighbouring properties;

Housing Delivery:

- Affordable housing statement does not provide assurance that houses will be truly affordable;

OFFICER COMMENT: A section 106 legal agreement has been prepared which is now agreed between both parties. This secures the provision of policy compliant affordable housing (including an appropriate mix of tenure and unit sizes based on identified need).

**ADDITIONAL 8 LETTERS OF SUPPORT RECEIVED**

- Keen for there to be affordable housing so Barcombe families can stay in the village;
- Excellent use of a field given to noxious weeds;
- The roadside hedge was planted 60 years ago and is not ancient;
- Will not interfere with the old railway line;
- Ideal site for housing for young people;

**LETTER SUBMITTED TO COMMITTEE MEMBERS BY NIGEL SAXBY.  
THE LETTER IS REPRODUCED BELOW – WITH OFFICER RESPONSE  
INCLUDED.**

If this development goes ahead it will irreversibly change the character of one of the last hilltop villages in the county. The site is visually highly sensitive, as many of the local objections underline, and as the Local Plan recognises. The decision is yours. I am asking that you make it taking into account the points in this mail.

**1. Safe access and buildings on the High Street**

A key condition of Highway's approval of the proposed access arrangements is that "the development shall include frontage development along the southern boundary so as to be highly visible from the C8 High Street." Rydon and their advisers have never responded to this. The transport

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advisers, RPS, ignored it in their response to Highways' comments in November 2020. See attached extract from their Technical Note. Sigma, their planning advisers, remained silent about in their email to Mr Leigh Palmer in April this year - also attached - see 3rd para p2.

Your Officers did not include this condition in their recommendation to you ahead of your meeting in April, when you first considered this application, the only one of the thirteen Highways conditions omitted. They played down its significance and said it could be treated as a Reserved Matter: [Highways] "have suggested that the final layout of the development includes elements that are visible from the approach on the High Street as motorists would be expected to modify their driving behaviour and reduce speed when seeing the development. This can be achieved at reserved matters stage."

In their supplementary report to you ahead of that meeting they explained that they had excluded the condition because it was not necessary, was not precise and was not reasonable. All of which are highly arguable. They went on to say that if there was no other option than for an element of frontage development "any potential visual impact would then be weighed against the benefit of providing new affordable housing on this allocated site." Whether this was their view or Rydon's I don't know. There is clearly no link at all between frontage development and the amount of affordable housing agreed to be provided. I am left feeling there was an element of threat.

**OFFICER COMMENT: The condition recommended by ESCC Highways was not considered to meet the test for conditions set out in para. 55 of the Revised NPPF and para. 003 of the Planning Practice Guidance for the Use of planning conditions. This is due to the condition not being necessary (layout is a reserved matter), precise (it is poorly defined) or reasonable (it does not allow for scope for other measures to draw attention to the development to be investigated prior to a reserved matters application being submitted). As such, it was omitted. This provides an opportunity for the developer and ESCC Highways to liaise and establish exactly what level of visibility is required and possible alternative arrangements.**

The reason this is so important is that this condition is in direct conflict with the Lewes Local Plan, which at 2.72 in elaborating on the visual sensitivity of the site says: "As part of any development, new properties should be set back from the High Street.... to help retain a sense of transition into the village from the surrounding area." Rydon have sought to follow this policy in their proposal.

**OFFICER COMMENT: There is no reason why development cannot be set back from the highway. ESCC Highways are suggesting the development needs to be visible on approach from both directions but is it not considered that dwellings facing directly onto the highway**

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**would be required to achieve this. Para. 2,72 is also not directly written into the criteria that form policy BA02 and it is stated that development should be set back from the highway rather than it must be.**

In a recent email to the Officers on this issue, not included on the LDC website, Highways have further explained the reason for their condition as follows:

"As speeds are higher I maintain my view that the approach to the development has to consider its relationship to the village and the highway network. It should not be a concealed development and needs to contribute to the street scene so that the road is not used as a connection but feels like you have arrived in a place. To emphasise the village location, the gateway feature (red surfacing) was requested at the entrance to the village and a further request for a junction warning sign provided for westbound traffic to highlight the access to drivers leaving the built-up area. Essentially, the rationale for the layout to be prominent and visible is that it maintains character and continuity of built form alongside reducing speeds."

**OFFICER COMMENT: The email referred to above was not sent to officers, it was part of an email conversation between the objector and ESCC Highways.**

This view is clearly that the village should substantively begin at the western end of the site. This is inconsistent with the Local Plan's requirement for a "sense of transition".

I attach an email from Highways.

In their current report to you for Wednesday's meeting your Officers again omit the Highways condition and repeat their references to "elements" being "visible" (not Highways' "highly visible") at 8.4.9, but go on to say that [if compliance with the condition is required at reserved matters stage] "it is considered there is the capacity for these elements to be incorporated without causing harm to biodiversity mitigation measures and with visual impact restricted to a localised area at the immediate approach to the site only." Again, whether this is just your Officers' view or whether they are speaking for the developer is unclear. Equally unclear is whether Highways have been consulted or whether the developer has an alternative proposal. Has the threat to the affordable housing been withdrawn? If so, how can you be assured about this?

**OFFICER COMMENT: A section 106 legal agreement has been signed to secure a policy compliant level of affordable housing on the site. Any amendment to this agreement would require the agreement of committee members and would only be considered if the developer could demonstrate the viability of the development would be impacted. This would be through the submission of a Financial Viability Assessment which would then be independently reviewed.**

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Rydon would clearly prefer to have this question treated as a reserved matter as at that stage the momentum to approve the detail of the development would be harder to resist. It is hard to see, though, how you can reasonably be asked now to approve an access that would only be safe in the context of a plan fundamentally different from the one in front of you. The decision on access needs to be made with a full and open discussion of the Highways/Local Plan conflict.

Any last-minute changes to the current proposals should be rejected.

**OFFICER COMMENT: There is no reason why a refusal at reserved matters stage would be harder to sustain as a result of outline approval for the site access being agreed. Also, parameters set in any outline approve (such as the retention of the front boundary hedge) would need to be adhered to in order to comply with the permission.**

**2. Safe access and loss of hedgerow**

Rydon's ecology reports have been prepared on the basis of 18.4 metres of the southern hedgerow being removed to provide the access to the site. We have submitted a report from a transport expert who has visited the site. This includes the identification of two errors in RPS', Rydon's transport consultants, plans. First, the access point will require over 22 metres of hedge to be removed. Second, contrary to RPS' statement that "the visibility splays sit in front of the existing hedge and as such the existing hedge will not be affected by the visibility splays" (para 1.27 of report dated 21/5/21), a substantial part of the western end of the hedge would need to be removed to enable drivers leaving the site to have adequate visibility of oncoming traffic from the west. It is this part of the hedge that the ecologists have defined as species rich, and thus of greater ecological value than the eastern end.

You were right when you met in April to be concerned about the ecological and environmental impact of the loss this hedge. The developers have since tried to assuage those concerns by clarifying that their plans show less hedge being lost. But those plans are wrong. The ecologists should be asked to report on the impact of what is actually proposed. The viability of the visibility splays is a condition of Highways' approval.

Note that in the Sigma letter attached the writer says "there is a section of species rich hedgerow but this lies behind Willow Cottage and will not be affected by the access proposals." Again, this is wrong. I attach a picture from Rydon's consultants showing the species rich section, exactly where most of it will have to be removed if the proposed access is to be safe.

**OFFICER COMMENT: The submitted ecological reports identify the hedgerow affected by the development as being dominated by a single species. This was accepted by the County Ecologist and corroborated by historic OS maps which show the field boundary being altered between 1961 and 1981 in order to allow for widening of the road and**

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**provision of the footway. There would be no requirement to remove hedging to the rear of Willow Cottage and ecology and highway comments confirm this.**

### **3. Requirement for access from the High Street**

Rydon and their advisers make much of the requirement for access from the High Street. Throughout they ignore the implicit proviso that any access from the High Street has to be safe. They have not been able so far to propose a safe access that complies with both the Highways requirements and those of the Local Plan. They are in a similar position to the developers of Hillside Nurseries, an adjoining site also allocated for housing development in the Local Plan (BA01). That application for planning permission was withdrawn in the face of Highways opposition to their access plans. BA01 cannot therefore be developed at present to the extent sought. The same goes for the current BA02 application, until Rydon, or another developer, provides safe access for a development that is compliant with the Local Plan. It would seem that the due diligence supporting the Local Plan was inadequate. But that was always a developer's risk.

**OFFICER COMMENT: ESCC Highways are entirely satisfied that safe access to the site can be provided in the position shown on the submitted plans.**

### **4. Other concerns**

The large number of local objections to these proposals (37 and rising as I write) include many that articulately and persuasively raise other issues about flood risk, ecology, environment, village character, visual sensitivity, sustainability and other road safety issues. The 8 supportive comments are overwhelmingly limited to welcoming the affordable housing, on the sadly unfounded basis that it would be a) truly affordable and b) available to local people.

**GTA CIVILS & TRANSPORT LTD HAVE PROVIDED A RESPONSE TO ESCC HIGHWAY COMMENTS ON BEHALF OF A NEIGHBOUR TO THE PROPOSED DEVELOPMENT. THE RESPONSE IS SUMMARISED BELOW:**

1. The proposed site access road bellmouth requires removal of additional hedge beyond that claimed (additional 2 metres either side of access and along highway boundary);

OFFICER RESPONSE (WITH INPUT FROM ESCC HIGHWAYS): Growth of hedge towards the highway would have to be trimmed back, particularly during summer months, to prevent obstruction of visibility splays. This applies to the hatched areas shown on plan JNY-10636-09-A, with the boundary hedgerow maintained at approx. 1.5 metres width behind them. This would

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not apply to elements over 2 metres in height as their presence would not compromise sight lines. ESCC Highways have suggested replanting the hedge further back from the road to reduce maintenance requirements but officers would prefer the existing hedge is maintained.

2. Parking restrictions require extending on the High Street to prevent parking near the proposed site access;

OFFICER RESPONSE (WITH INPUT FROM ESCC HIGHWAYS): Whereas proposed development parking would be 'on-site' (and considered at RM stage) this would have intentions of accommodating resident and visitor parking demands. At this stage parking restrictions are not considered a requirement, but if the committee is minded to support the need for double yellow lines extended it should be justified based on evidence of existing issues. An option could be to secure a TRO fee as part of a s106 for £5000 and have the matter reviewed after 3 years of full occupation. It should be noted that the TRO process is separate from the planning process and would involve a consultation process which may not guarantee the desired outcome.

3. Footway should merge better with the existing footway in High Street;

OFFICER RESPONSE (WITH INPUT FROM ESCC HIGHWAYS): Tactile paving on the footway adjacent to the junction can be secured as part of the Section 278 agreement for highway works and the applicant has stated that they will provide this. It should be noted that pedestrians would not cross at the widest part of the junction. In regards to the wider footway network, ESCC Highways have stated that the development is 26 houses and pedestrians from this level of development can be accommodated on the existing network which follows the desire line to the village centre (primary school, shop, post office, PH, recreation ground).

There is no identified need for the footway to be widened. ESCC Highways have confirmed widening could be achieved using highway land but this would result in the removal of the existing boundary hedge. This could be achieved at reserved matters stage if members would prefer a wider footway and the replanting of the boundary hedge.

4. Refuse collection vehicle dimensions are not compliant with County Council or Lewes District Council adopted standards.

OFFICER RESPONSE (WITH INPUT FROM ESCC HIGHWAYS): The tracking diagrams have been accepted by ESCC Highways and LDC's own waste and refuse team as suitable to accommodate refuse vehicles safely. Further information on methodology used has been produced by the applicant.

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**APPLICANT RESPONSE TO GTA COMMENTS:**

Extent of Hedge to be removed

GTA state in para 1.5 'the revised drawing does not allow for the excavation required (fig 1.1) which will increase the loss area of hedge, approximately 2 metres either side of the access. Therefore around 22 metres of hedge would be lost.'

The access into the site will result in a loss of hedge in this location and the extent to which will be lost is based on the existing levels and meeting the appropriate design standards to ensure that the access road is of a suitable gradient as it extends into the site.

The cross section of the proposed access road was prepared to provide an indication of the changes of the ground within the site to assist in the internal layout design providing a 1 in 3 gradient which assumes no vegetation to stabilise the ground. Where there is existing vegetation i.e. the hedge/ trees a much shallower gradient can be provided. The cross section drawing simply continued the 1 in 3 slopes to the back of footway but should have been stopped the edge of the hedge. The extent of hedge to be removed and adjustments to levels has been taken into account by allowing an additional 2m either side of the footway that extends either side of the access road.

GTA question the extent of visibility splays and impact on the existing hedge line. The topographical survey identifies the hedge's location by locating the central part of the hedge, a 2m wide hedge is then shown on the plan as being the potential spread of a hedge should it be maintained. It is clear that on site the hedge has not been maintained and has therefore overgrown especially during the summer period, much of which will die back during the winter months. The proposed access arrangement drawing prepared by RPS and identified in GTA's report as Figure 1.2 shows that vegetation within the extent of the visibility splay will need to be cutback which includes for the cutting back of the existing hedge.

It should also be noted that the hedge is higher than the existing footway level and as such vehicles exiting the site will be sitting at a lower level than the hedge so only the lower part of the hedge needs to be maintained.

Parking Restrictions on High Street

Gta advise that there are no waiting restrictions on High Street at the location of the proposed site access and these should be extended to cover the proposed site access.

Currently there is not an existing parking issue along this section of High Street and it is considered that the proposed development will not result in any new parking occurring on High Street. If the highway authority request

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that parking restrictions be provided this could be conditioned, although it is understood that this is not something that has been requested by the highway authority to date.

**Footway Connection**

GTA state in para 1.9 'No pedestrian crossing facilities are provided on the site access design drawing. Dropped kerbs and tactile paving should be provided to aide east/west pedestrian movements.'

It is agreed that dropped kerbs and tactile paving should be provided, however this is something that would be included for at the detail design stage.

GTA also advise that the proposed footway widths of 2m should tie in better with the existing footway. The tie in with the existing footway can either be a gradual tie in or a short tie in as illustrated on the masterplan layout. The tie into existing footway will however be agreed with the local highway authority at the detail design stage and does not need to be addressed at this planning stage.

**Refuse Collection**

GTA advise that 'within the local authorities 'Good Practice Guidance for property Developers, Refuse and recycling Storage at New Residential Developments' New development proposals should comply with these standards and the vehicle dimensions stated within. The vehicle dimensions to be used are approximately: 12m length x 3.5m high x 3 meters wide.'

The guidance states 'approximately' The following page of the said guidance shows a typical dimension drawing of a refuse collection vehicle which identifies the vehicle width as 2.5m and the overall length as 11.64m. The extract of the refuse vehicle used in the tracking clearly shows that the vehicles dimensions as;

- Overall Length = 11.997m
- Overall Width = 2.5m
- Overall Width including wing mirrors = 3.1m
- Overall body height = 3.75m

The width of '3m' allows for wing mirrors. Therefore the tracking undertaken is considered to be suitably robust meeting the local authorities design requirements.

**UPDATE TO PLANNING CONDITIONS**

Condition No. 5 to be amended to include wording shown in bold below:-

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The access shall not be used until the visibility splays shown on the submitted (plan no JNY10636-01 REV A) are cleared of all obstructions exceeding 600mm **and below 2000mm** in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

The alteration will allow for overhanging branches over 2 metres in height to stray into the visibility splay as they would not obstruct motorist sight lines due to their height.

Condition No. 30 to be removed as this is a duplicate of condition No. 15.

**Officer Update - A petition to 'Save Barcombe's Historic Hedgerow' has been set up at <https://www.change.org/p/lewes-district-council-save-barcombe-s-historic-hedgerow> . This petition, which currently has 478 signatories, was set up in response to the previous application LW/20/0633 and has been left to run. It has not been formally submitted to the council. The petition statement includes reference to a 'condition' being in place for the hedgerow to be retained but this is not included in policy ba02. The petition also asks that an independent expert review of the hedgerow is performed. This has been carried out by the county ecologist whose comments are included in the officer report. Full wording is provided below.**

An important and historic hedgerow at the gateway to Barcombe village, East Sussex will be destroyed if current development proposals by Rydon Homes are allowed to go ahead. We call on Lewes District Council to stop this destruction and ensure the hedgerow is protected.

The hedgerow, which is to the South of the site known locally as "Hillside" (Application No: LW/20/0633; Erection of up to 26 dwellings together with associated development and site access with all other matters reserved; Land North of High Street Barcombe East Sussex), is of heritage significance - appearing in pictures/postcards of the village from the 1800s and on a map dating back to the late 1700s (Yeakell and Gardner's, dated 1778-1783). It is certainly old but has many features suggesting it may be ancient. It also forms the boundary to the modern-day Conservation Area and is situated close to areas known to act as wildlife corridors, including the former Bluebell Railway Line.

Despite the hedgerow's significance to local heritage and wildlife, Rydon's current plans have overlooked a previous condition to retain the hedgerow intact. Instead, they propose to remove a large section from the middle of the hedgerow in order to provide road access to the new houses, with most of the rest of the hedgerow then having to be reduced to just 60cm in height to meet East Sussex Highways' sightlines requirements.

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Historic hedgerows are vital for our future: they play an important role in preserving biodiversity and improving carbon uptake as well as reducing flooding risks. Yet the future of the hedgerow has been called into question by Rydon's plans, when we believe it should be protected by law.

We believe the hedgerow qualifies for protection under the Hedgerow Regulations (1997) due to:

- 1) its length being greater than 30 metres (it was measured by community volunteers in September 2020 as 73.6 metres long);
- 2) its location next to what is currently agricultural land formerly used as a paddock for horses and ponies and
- 3) its importance (see below).

The hedgerow's importance (as defined by the Hedgerow Regulations, 1997) is indicated because:

- a) It exceeds 30 years in age (appearing in pictures/postcards of the village from the 1800s and on a map dating back to the late 1700s (Yeakell and Gardner's, dated 1778-1783));
- b) The hedgerow now forms the boundary of the Conservation Area and was part of a field system existing before 1845 (the aforementioned map dated 1778-1783 depicts its presence);
- c) The hedgerow contains mixed native woody species and associated features specified in Schedule 1 Part II Paragraph 7 (1) of the Hedgerow Regulations 1997 as it contains more than seven woody species: on an afternoon in September 2020 it was observed by volunteers to include holly, beech, ash, oak, wild plum, native privet, bay, English elm, wild gooseberry and hawthorn. It was also observed on the same day in September 2020 to contain many herbaceous species including species listed on Schedule 2 (Woodland Species): barren strawberry, wood avens and lords and ladies (cuckoo pint) in addition to ivy, bramble, dogrose, bindweed, feverfew, dandelion, ragwort, garlic mustard, hogweed, cow parsley, dock and various grasses.
- 4) The hedgerow has features of importance according to the criteria of Schedule 1 Part II Paragraph 7(4) including that it is supported by a deep bank for most of its length, it has few if any gaps (less than 10 per cent of its length) and it runs along a public highway with footpath and in parallel with a hedgerow the other side of the road (High Street Barcombe) less than 15m away.

We believe this hedgerow's future should not even be in question and we call on Lewes District Council to:

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- 1) Ensure the hedgerow is re-assessed by an independent and appropriately-qualified hedgerow expert informed of the indicators of wildlife and heritage significance outlined above and
- 2) Refuse planning permission on any plan that would lead to damage to the hedgerow.

Please ensure this hedgerow has a place in our village's future and not just our past.

Thank you for your support.

“Save Barcombe Village” Campaign

**Officer Comment - When considering the weight to give to the petition, it is not the number of signatories that carries the most weight but, whether the nature of the objections being raised are material in planning terms.**

**The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.**

**LW/20/0842**  
**Newick**

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Please note correction to the plan numbers being considered, which are as follows -

| <b>PLAN TYPE</b>          | <b>DATE RECEIVED</b> | <b>REFERENCE</b>   |
|---------------------------|----------------------|--|
| Design & Access Statement | 8 December 2020      | Design & Access Statement                                  |
| Location Plan             | 7 January 2021       | 1006-LOC-01 P2   |
| Proposed roof plan        | 8 December 2020      | 1006-PR-01 P2<br>Proposed site and roof plan               |
| Proposed floor plan       | 8 December 2020      | 1006-PR-02 P1<br>Proposed ground floor                     |
| Proposed floor plan       | 8 December 2020      | 1006-PR-03 P2<br>Proposed first floor plan                 |
| Proposed elevation        | 8 December 2020      | 1006-PR-04 P1<br>Proposed south elevation and site section |

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| <b>PLAN TYPE</b>     | <b>DATE RECEIVED</b> | <b>REFERENCE</b>  |
|----------------------|----------------------|---|
| Proposed elevation   | 8 December 2020      | 1006-PR-05 P2<br>Proposed west<br>elevation and site<br>section |
| Proposed elevation   | 8 December 2020      | 11006-PR-06 P2<br>Proposed north and<br>east elevations         |
| Additional documents | 3 June 2021          | Daylight/sunlight<br>report                                     |

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