

**Supplementary report to the Planning Applications Committee  
on 19 April 2023**

**LW/21/1000**

**Pages 9-55**

**Land west of Oxbottom Lane, Newick, East Sussex**

**Further Representations**

**Consultee 1**

**Settlement Boundary and Erosion of Distinction between North Chailey and Newick**

The scheme is outside planning settlement boundary. It erodes the distinction between North Chailey and Newick.

**Insufficient Village Infrastructure**

It will put unacceptable pressure on village facilities and infrastructure.

**Traffic Congestion and Danger**

More car movement from the site will cause danger to pedestrians, cyclists, horse riders, elderly, and children. Oxbottom Lane will become a rat run and become more dangerous.

**Insufficient Flood/Drainage Management**

The proposed “drainage/flood” strategy will not work – the suggested natural ditches which will carry away surface water do not exist. No comment/progress on norther highway drainage, and without further information the application should be refused.

**Consultee 2**

**Consultation with Natural England**

The Site lies within an SSSI Impact Risk Zone. Article 18(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 Requires Natural England (NE) to be consulted. The LPA has not done this, so no decision should be taken until NE is consulted.

**Settlement Boundary and Landscape Qualities**

Objector believes that the “gap protection” argument set out at Agenda Item 16 22/23 No 28 on page 194, (Chamberlains Lane Appeal Dismissed LW/22/0104 PINS 3299940), should also apply to the Oxbottom case. For this reason, it should be refused.

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**Drainage and Flood Management**

Granting permission based on revised drainage conditions would be premature, because not enough is known. No surface water drainage maps/plans. In any case, soon Govt legislation will remove the 5 year housing land supply condition on Local Planning Authorities.

**Officer Responses:**

**General Point**

Committee should note that this application when reported to the February 2023 Cttee resulted in a resolution to grant planning permission. It returned to March Cttee because of a concern about the legitimacy of some Committee Members, (not any planning technical issue). At the March 2023 Cttee, **Members only differed the report for more clarification on “flood and drainage” matters – not for any other matters.** Officers have produced a report for April Cttee on the final recommendations from the LLFA – which is to support the scheme subject to conditions.

**Consultation with Natural England**

The Development Management Procedure Order 2015 does not “require” this scheme and site to be consulted on with Natural England. The site does fall within the necessary Impact Risk Zone, (it is 1.5km from the zone) but at this distance and for small residential schemes, consultation is discretionary. In addition, the Council’s Ecologist has no objection to the scheme.

**Settlement Boundary and Landscape Character**

The scheme is outside the settlement boundaries of Newick and North Chailey, (DM1 (LP Part 2)). The Officer Report argues that the urban design character of the corridor between Newick and North Chailey is “semi urban with pockets of open countryside and open spaces”. It is certainly not simply open countryside. The proposed development would retain landscaping to the north of the site (on to the A272 corridor) and in the centre of the site – therefore maintaining the corridor’s “distinctive semi urban character” – and would not promote coalescence between the 2 settlements.

In addition, Lewes’ lack of a 5yrs means additional weight should be given to “new homes in the planning balance” - subject to the scheme being sustainably located and well designed, even though this may bring the scheme into some conflict with DM1.

Officers note the Lewes LAA 2022 Assessment of the Oxbottom site -....“*ESCC landscape architect considers the site to be enclosed from wider countryside, important to retain trees and hedges to help integrate any proposed development. Landscape Capacity Study indicates a medium capacity for change in this area.*” Officer believes this is what the application LW-21-1000

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would deliver. Officers do not agree that this is unique “gap site” that needs protection, in the same way at the Chamberlains Lane site (LW/22/0104 PINS 3299940). Its distinctive landscape character is a “semi urban corridor punctuated by strong pockets of open countryside and open spaces”.

**Infrastructure**

No significant pressure will be put on local facilities. Indeed, the extra 21 homes will help to support local facilities and businesses.

**Travel and Transport**

The design of the scheme supports new “in site” well-lit foot path and cycling route up to the A272 without going onto Oxbottom Road, and so makes non car travel north south safer. Vehicle trips onto Oxbottom would not be significant and are not objected to by ESCC Highways.

**Flood and Drainage Management**

ESCC Drainage and Flood advice, (LLFA) is clear – it is to “support” the scheme subject to conditions. The LLFA have imposed 4 strong drainage/flood management conditions which must be complied with before development can commence. The site is in Flood zone 1 with a low risk of flooding. The applicant has offered to regrade and unblock the local ditch and drain network linked to the site and its immediate neighbours.

It is not premature to grant permission subject to flood and drainage planning conditions – this is normal procedure. The LLFA knows a network of ditches and drains exist since previous permissions have been granted and built based on these. Should the scheme be approved by Cttee, this network will be mapped and considered as applications for condition discharges are triggered.

It is very likely that any appeal would be lost with possible “unreasonable behaviour” costs, should Cttee make a decision based on “possible future legislation”.

**Proposed Additional Note**

Agreement that the applicant will, at a stage/date and design agreed only with the LPA and LLFA, re grade the scheme relevant network of ditches and drains both on site and off site subject to agreement by all off site land owners.

This offer should not to be unreasonably withheld or to hold up the agreed, (LPA agreement) time table of the applicant’s scheme when the scheme remains acceptable in all other respects.

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**LW/23/0018**

**Pages 57-91**

**Meridian Centre, Meridian Way, Peacehaven**

Block 8.4 Town Centre and Vitality and Viability page 73 2<sup>nd</sup> to last paragraph. For clarification, this paragraph is referring to Community House and not the entire site/town centre.

Additional OR VAIED Conditions: -

**10.19 SUSTAINABILITY**

This condition has been amended to include the requirement for solar panels.

Prior to the first occupation of each of the Class E or Class F units (including the superstore), a sustainability checklist, in accordance with the LDC Sustainability in Development Technical Advice Note, shall be provided to identify all measures to be taken to enhance the sustainability of the unit concerned. As a part of this submission all new buildings shall be fitted solar panels. The units shall thereafter be maintained in accordance with the approved details throughout its use.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in order to support the energy uses at the site or contribute to the National Grid. The development would therefore be in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.

**10.20 STORAGE**

This condition shall be reworded to read: -

At all times all the service yards and parking areas shall be well maintained and free from the external storing of goods, plant, equipment, and waste.

Reason : In order to ensure that the parking and service yards are free to function for their intended purpose and to ensure that the visual and environmental amenity of the site and surrounding area is maintained. The development would be in accordance with LLP1 Policies CP10 and CP11, LLP2 DM20, DM23 and DM25 and para 130 of the NPPF.

**10.24 SHOWER FACILITIES**

Prior to the first use of the food store and units B and C, shower facilities for use by staff shall be installed in an operable condition and shall be maintained in place thereafter for the lifetime of the development.

Reason: In order to encourage the use of the bicycle as a mode of transport to and from work in accordance with LLP1 policy CP13, PTNP policy PT11 and para. 106 and 112 of the NPPF

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**10.26 CONSTRUCTION MANAGEMENT PLAN**

At bullet point 10 covers site waste management issues

An additional bullet point to be added to control demolition and construction hours.

An additional bullet point to be added to require that access to and the servicing of the Community House is maintained and where for operational reasons this is not possible then the developer shall instigate a public engagement/notification regime outlining the minimum time necessary for the closure.

**Additional information: -**

Continued Trading

During the construction and demolition period of the development hereby approved the application has outlined that it is their intension to lay on free busses to Seaford Morrisons and provide free home delivery slots. This will be added as an informative to any decision to approve.

Public Engagement

The applicant has committed to continue to fully engage with the community during this project. In this regard officers are looking to invoke the major application community engagement protocol, and instigate the Neighbourhood Liaison Group. This will require regular sessions with stakeholder the Council and the developer. This will be controlled via S106 agreement.

BNG

It is acknowledged that the development will not be able to deliver all BNG on the application site. As part of the S106 agreement the officers will use a cascade to ensure that the delivery of offsite BNG remains within the Neighbourhood Plan area and only after that is exhausted will sites further afield be considered.

**LW/22/0418**

**Pages 93-120**

**Land west of A275, South Common, South Chailey**

**Clarification**

Representations have been received that question the baseline figure to be used in the calculation of biodiversity net gain works that would be required.

The baseline to be used would be consistent to the pre-clearance biodiversity value of the site as required by the LDC ecologist and in compliance with the soon to be adopted amendments to the Town and Country Planning Act made under Schedule 14 of the Environment Act (2021).

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Should outline permission be granted there are a number of conditions relating to biodiversity and ecological mitigation that would need to be addressed prior to the commencement of any works. The Council will seek the maximum practicable level of biodiversity net gain to be delivered on site, with any shortfall in regards to the minimum 10% requirement being provided off site. This would be secured by legal agreement.

**Further Representations:**

The scheme proposes too many new homes on a small site.

Proposed access onto A275 will be dangerous.

There will be an unacceptable increase in traffic.

There is insufficient infrastructure in village to cope with the proposed scheme.

The proposed scheme should be carbon neutral and have AH.

**Officer Response:**

The scheme's proposed density is within normal parameters. With appropriate access sight lines, the scheme would not in principle be dangerous. The scheme would not generate unacceptable increases in traffic congestion. There is no evidence presented that the scheme would not be able to be accommodated in terms of local infrastructure. 40% Affordable Housing is being offered. Should the scheme be approved, at the reserved matters stage, both Bio Diversity Net Gain (BNG) and Sustainability feasibility assessments will be required, which in turn would require the scheme to be enhanced in relation to these matters.

**LW/22/0071**

**Pages 121-144**

**Land rear of 45 Allington Road, Newick**

**BNG**

This application is classified as a non-major application and following from the Councils adopted Biodiversity Technical Advice Note then the requirement is that there should be some expectation of net gain. The development proposes a significant biodiversity enhancement over the existing situation and therefore complies with the advice.

**Additional Planning Condition**

Should the application be approved by Committee,

10.21 **PUBLIC BENCH** The "public bench" on the south side of Allington Road will be retained and relocated locally, details of its location to be known

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and fully implemented prior to the first occupation of any of the units hereby approved. Reason: To support good design and walking infrastructure.

**LW/21/0915**

**Pages 145-158**

**Land south of 61A Allington Road, Newick**

**Clarification**

The access route from Allington Road to the proposed location of the single new 2 storey home is 2.5m wide and 53 m to the front of the house and 65m to the back of the house.

Building Regulations (BR) Part B5 require the distance from the highway to be 45m. If the distance is further than this, BR will require the installation of a sprinkler system in the proposed new home, which would then provide emergency fire access to be some 80m from the public highway.

The private access way is 2.5m wide. This is wide enough for all forms of car, (average 1.9/2.0m wide) and small vans, but not a fire vehicle.

The access route is not in the same ownership as the proposed building plot. The owner of the proposed building plot does however have a "right of way" over the access route, (though access route resurfacing will need a landowner permission).

Contrary to what is in the Officer's report, the owner of the access route wants to make clear that:

- The plot site has not been recently used for storage, and is not currently in such a use
- There has been little or no use of the access way by vehicles
- Sight Lines from the access route onto Allington Road are poor

**Officer Response – Additional Sight Line Condition**

Should Cttee be minded to approve the development an additional condition is proposed:

No development shall commence until vehicular access and sight lines serving the development have been designed and constructed in accordance with ESCC Highway guidelines, with plans and details that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and pedestrian footpath.

**BNG**

This application is classified as a non-major application and following from the Councils adopted Biodiversity Technical Advice Note then the requirement is that there should be some expectation of net gain. The development has the potential to promote a designed landscaping scheme that would be provide

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greater biodiversity than the existing situation. This can be controlled via a condition. Condition 10.3 covers this issue.

**LW/21/0880**

**Pages 159-172**

**Burtenshaw Farm, Spithurst Road, Barcombe**

Additional Conditions are recommended by Lewes Green Consultancy, (formal response on 13-4-23) and Lewes DM.

**Ecological Design Strategy - Condition**

An ecological design and implementation strategy (EDS) must be produced to address the following:

1. Further information is required on Notable Species and habitats present on site, (including the parking area and pathway to the proposed burial ground), and in the local area, (including the local Ancient Woodland and SSSI), along with appropriate “development impact avoidance,” mitigation and compensation measures.
2. An appropriate buffer zone of a semi-natural habitat for the ancient woodland is to be identified.
3. A precautionary working method statement for Great Crested Newts is to be proposed, and
4. 10% Biodiversity Net Gain ecological enhancement measures are to be identified, (including those suggested in the application’s Primary Ecological Appraisal Survey, (Arbtech 13-10-21).

The above 4 elements need to be submitted to and approved in writing by the local planning authority, before any development on site is begun.

The EDS shall also include the following:

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

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



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**REASON:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, Core Policy CP10 of Lewes District Council Local Plan 2016 and Policy DM24 Lewes Local Plan Part 2.

**Great Crested Newts - Condition**

No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the local planning authority and the local authority has provided authorisation for the development to proceed under the District Licence.

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

**REASON:** In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006 and Core Policy CP10 of Lewes District Council Local Plan 2016 and Policy DM24 Lewes Local Plan Part 2.

**INFORMATIVE 1:** It is recommended that the NatureSpace certificate is submitted to this planning authority at least six months prior to the intended commencement of any works on site.

**INFORMATIVE 2:** It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-ORXX or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the District Licence and if offences against great crested newts are thereby committed, then criminal investigation and prosecution by the police may follow.

**Current Appeals & Reasons for Refusal**

**Pages 173-180**

Nothing to add.

**Summary of Planning Appeals Decisions**

**Pages 181-206**

Nothing to add.

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