

**Supplementary report to Lewes District Council's
Planning Applications Committee on 26 June 2019**

LW/18/0566
Land at Nuggets

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Updated comments from Planning Policy –

This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the retained 'saved' policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the LPP1, so far as they are consistent with the National Planning Policy Framework (NPPF), the Wivelsfield Neighbourhood Plan (WNP) and the NPPF itself. In addition, the emerging Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) is a material consideration and has now reached the stage where substantial weight can be given to a number of policies.

The application is for full planning permission for a residential development of 24 dwellings. From a planning policy perspective, the following issues should be considered when determining the above planning application:

- Principle of development;
- Emerging LPP2 Policy BH01;
- District Council's five year housing land supply; and
- Wivelsfield Neighbourhood Plan.

Principle of development in this location

The application site is located east of Valebridge Road, on the north eastern edge of Burgess Hill. Except for the point of access, which lies within Mid Sussex district, the proposal is within the Lewes district and Wivelsfield Parish.

The proposal is located outside the planning boundary as defined by Policy CT1, and emerging LPP2 Policy DM1, which seek to restrict development in the countryside. Ordinarily a proposal such as this in the countryside would attract a policy objection. However, Spatial Policy 2 (SP2) of LPP1 identifies a minimum of 100 net additional dwellings to be delivered in this general location (i.e. Edge of Burgess Hill within Wivelsfield Parish). Two developments to the south of the application site (Medway Gardens and land east of The Rosery) are together contributing 81 net dwellings towards the required minimum 100 net dwellings. As such, a minimum of 19 net dwellings are still required to deliver SP2.

As highlighted above, LPP2 is a material consideration with substantial weight to be given to certain policies where there are no outstanding objections. The application site is a proposed allocation (Policy BH01) for approximately 14 net additional dwellings. However, two Main Modifications are proposed to this allocation by the Inspector, therefore only limited weight should be given.

It is acknowledged that the proposed development is for 22 net dwellings (24 gross), the former being circa 57% above the identified capacity within Policy BH01. However, the policy allows some flexibility for proposals to come forward below or above the 14 net dwellings, subject to its acceptability against other policies within the Development Plan. In addition, the proposal includes a mix of house type, with 40% being flats allowing for a greater density to be delivered. All units are between 1 and 3 bedrooms delivering the smaller sized units identified as needed by Core Policy 2 (Housing Type, Mix and Density) of LPP1. The individual circumstances of the site will need to be taken into account when considering if the uplift is acceptable.

It should also be noted that approximately 15% of the site is designated as Ancient Woodland with a further parcel of Ancient Woodland located adjacent to the site's north eastern boundary. A TPO Group designation also runs along the southern boundary and partially along the western boundary. Proper consideration must be given to any buffers required in order to provide the necessary protection, including at least a 15m buffer to the Ancient Woodland, as set out in the proposed modification to Policy BH01.

Housing land supply

Paragraph 73 of the NPPF (2019) requires local planning authorities to identify a five year supply of deliverable land for housing. As at 1st April 2019, the Council is able to demonstrate a supply of deliverable housing land equivalent to 5.59 years (a surplus of 207 units) outside the South Downs National Park (SDNP) and against its separated housing requirement figure (5,494 net dwellings).

The latest housing land supply position is calculated in the context of the publication of Government's Housing Delivery Test results in February 2019. The HDT compares the number of houses delivered against the housing requirement over the last three year period. Depending on the outcome certain actions must be implemented.

The Council has significant concerns with the requirement figures used by Government which do not reflect the position that the Council has an adopted Local Plan. Until the time when the above is resolved the Council will calculate its HDT using the agreed separated housing requirement for Lewes district outside the National Park. Further information on the Council's five year housing land supply position can be found in the published 5 Year Housing Land Supply Position Note.

As such, relevant policies within the Development Plan, including the Local Plan and neighbourhood plans, are considered up to date. Decision making on planning applications should therefore be made against policies within the adopted development plan.

Wivelsfield Neighbourhood Plan

The Wivelsfield Neighbourhood Plan (WNP) was 'made' (adopted) on 7th December 2016. As with Policies CT1 and DM1 highlighted above; Policy 1 of the WNP seeks to restrict housing development outside the planning boundary as amended by the WNP.

Paragraph 1.6 is clear that the WNP focuses on allocating sites to meet the minimum 30 net additional dwellings at Wivelsfield Green, as required by SP2. Consequently, the emerging LPP2 must deliver the minimum 100 net additional dwellings identified at the Edge of Burgess Hill (within Wivelsfield Parish). It is therefore necessary to allocate land within LPP2 outside the planning boundary where capacity has been identified through the Strategic Housing and Economic Land Availability Assessment.

Regard should also be given to Policy 5 (Design) and Policy 6 (Green Infrastructure & Biodiversity) of the WNP.

Community Infrastructure Levy

It is acknowledged that, given the close proximity of the proposal, future residents are likely to use the services and facilities within Burgess Hill. The developer of the proposal will be required to pay financial contributions which, through the CIL bidding process, can be bid for by Mid Sussex District Council and/ or West Sussex County Council (WSSCC). The opportunity for this is set out in the Council's CIL Governance arrangements.

These monies can then be spent on improvements to, or provision of, infrastructure as identified to support the development. Previously the approach had been to collect infrastructure contributions via S106 agreements, which were then passed to Mid Sussex District and West Sussex County Councils.

The Council will continue to work with Mid Sussex and WSSCC on identifying such infrastructure requirements.

Summary

The proposed development is located outside the planning boundary but an identified housing allocation within the emerging LPP2, which is a material consideration.

Given the above, from a planning policy perspective, provided that the determining officer is satisfied the uplift in dwellings being proposed can be delivered without unduly impacting on the amenity of both existing and future residents and other policy criteria can be met, then it is recommended for approval.

Below are some points of clarification in respect of the main committee report.

Location of application site

The application site is within the Parish of Wivelsfield, which is within Lewes District. However, the existing homes along the eastern side of Valebridge Road have the postal address of Burgess Hill and they also have postcodes starting with RH (for the Redhill area). On the planning application form submitted, Nuggets has a Burgess Hill postal address, although it is geographically within the boundary of Lewes District.

Therefore, although physically within Lewes District, the nearest town to the new homes is Burgess Hill and the new properties are likely to have RH postcodes, although this will ultimately be for Royal Mail to decide.

The adopted Joint Core Strategy states at part 2.1, “The towns of Haywards Heath and Burgess Hill in Mid Sussex District abut the north-western boundary [of Lewes District] and due to their available range of employment opportunities, retail, other services and facilities, including public transport links to areas such as London and Gatwick, they exert a strong influence on the rural communities within the northern part of Lewes District.

Dwelling mix

Although the application site falls within the postal area of Burgess Hill, the new houses will be physically within Lewes District and as such the affordable housing nominations will come from the Lewes and Wivelsfield housing registers.

The meaning of ‘surrounding area’ in the comments on Page 10

Spatial Policy 2 - “Distribution of Housing” within the Lewes District Local Plan Part One: Joint Core Strategy at part (2) lists the settlements identified for planned housing growth, and this includes “Burgess Hill (within Wivelsfield Parish) – a minimum of 100 net additional units”.

The term surrounding may therefore be considered to mean land within Wivelsfield Parish, but having the postal address of Burgess Hill. Therefore the last two lines on page 10 should begin ‘Wivelsfield and surrounding parishes’, as should the line above ‘Figures from the Lewes District Council Housing Register shows the following need for dwellings in Wivelsfield and surrounding area’.

LW/19/0256
Broyleside Farm, Ringmer

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Amended representation from **Ringmer Parish Council** - no objection following receipt of further information.

Additional condition –

No development to implement the construction of the new dwelling shall take place until the existing single storey side extension on the southern side of Broyleside Farm has been demolished and the new boundary treatment erected between Broyleside Farm and the development site.

Reason – To ensure that the development does not appear cramped, and enhances the existing spaciousness between dwellings and wider street scene having regard to Policy DM25 of the Local Plan Part 2.

LW/19/0088
Aqua House, Telscombe

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Consultation response has been received from the Specialist Advisor in contaminated land-

The application is for the extension of existing building to create 2 no. studios on the ground floor at Aqua House 370 South Coast Road Telscombe Cliffs East Sussex.

If LPA is minded to grant a planning permission, then considering the nature of development, site surrounding and historic uses of the site following condition is pertinent:

Condition: Unsuspected land contamination condition

If, during development, contamination 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, para. 170].

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